UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

FEB - 8 2017

CERTIFIED MAIL - RETURN RECEIPT REQUESTED
Article Number: 7016 2070 0001 1397 3935

James Rothenburg
Ben Weitsman of Syracuse, LLC
333 Bridge Street
Solvay, New York 13209

Re: **Administrative Compliance Order and Information Request**
Ben Weitsman of Syracuse, LLC
CWA-02-2017-3036
SPDES Tracking No. NYR00D751

Dear Mr. Rothenburg:

The United States Environmental Protection Agency (EPA), Region 2, has made a finding that Ben Weitsman of Syracuse, LLC, 333 Bridge Street, Solvay, New York is in violation of the Clean Water Act (33 U.S.C. §1251 et seq.) ("CWA" or "the Act") for failure to comply with the New York State Department of Environmental Conservation ("NYSDEC") State Pollution Discharge Elimination System ("SPDES") Multi-Sector General Permit for Stormwater Discharges Associated with Industrial Activity ("MSGP" or "Permit") GP-0-12-001.

Enclosed is the Compliance Evaluation Inspection ('CEI") Report from the August 17, 2016 inspection of the Subject Facility and the Administrative Compliance Order and the Information Request (together the "Order"), Docket No. CWA-02-2017-3036, issued pursuant to Section 309 of the CWA, which details the findings.

Please acknowledge receipt of this Order by signing the acknowledgment page within ten (10) calendar days of receipt and returning the acknowledgment page by mail in the enclosed envelope. Failure to comply with the enclosed Order may subject the Respondent to civil/criminal penalties pursuant to Section 309 of the Act.

If you have any questions regarding this Order, please contact Ms. Nicole Kraft, Acting Chief, Water Compliance Branch, at (212) 637-3093.

Sincerely,

Kathleen Anderson, Acting Director
Division of Enforcement and Compliance Assistance

Enclosures

cc: Ben Weitsman and Son of Syracuse, LLC, 15 West Main Street, Owego, NY 13827
Joseph DiMura, P.E., Director, Bureau of Water Compliance Programs, NYSDEC (w/enclosure)
Ryan Waldron, NYSDEC via email
Meredith Streeter, NYSDEC via email

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 2

IN THE MATTER OF:

Ben Weitsman of Syracuse, LLC
333 Bridge Street
Solvay, New York 13209

Permit No. NYR00D751

Proceeding pursuant to Sections 308(a) 309(a)(3) of the Clean Water Act, 33 U.S.C. §§ 1318(a) and 1319(a)(3)

RESPONDENT

INFORMATION REQUEST AND ADMINISTRATIVE COMPLIANCE ORDER

CWA-02-2017-3036

The following Information Request and Administrative Compliance Order (together the "Order") are issued pursuant to Sections 308(a) and 309(a)(3) of the Clean Water Act ("CWA" or "Act"), 33 U.S.C. §§ 1318(a) and 1319(a)(3). This authority has been delegated by the Administrator of the United States Environmental Protection Agency ("EPA") to the Regional Administrator, EPA Region 2, and since further redelegated to the Director, Division of Enforcement and Compliance Assistance, Region 2, EPA.

A. LEGAL AUTHORITY

1. Section 301(a) of the CWA, 33 U.S.C. § 1311 (a), makes it unlawful for any person to discharge any pollutant from a point source to waters of the United States, except, among other things, with the authorization of, and in compliance with, a National Pollutant Discharge Elimination System ("NPDES") permit issued pursuant to Section 402 of the CWA, 33 U.S.C. § 1342.

2. Section 402 of the CWA, 33 U.S.C. § 1342, authorizes the Administrator of EPA ("Administrator") to issue a NPDES permit for the discharge of any pollutant, or combination of pollutants, subject to certain requirements of the CWA and conditions which the Administrator determines are necessary. The New York State Department of Environmental Conservation ("NYSDEC") is the agency with the authority to administer the federal NPDES program in New York pursuant to Section 402(b) of the CWA, 33 U.S.C. § 1342(b). Under this authority, a State Pollutant Discharge Elimination System ("SPDES") permit is required to be issued to facilities by the NYSDEC for the discharge of pollutants from a point source to a navigable water of the United States. EPA maintains concurrent enforcement authority with authorized States for violations of the CWA.

3. "Person" is defined by Section 502(5) of the CWA, 33 U.S.C. § 1362(5), to include an individual, corporation, partnership, association or municipality.

4. "Discharge of a pollutant" is defined by Section 502(12) of the CWA, 33 U.S.C. § 1362(12), to include any addition of any pollutant to navigable waters from any point source.

5. "Pollutant" is defined by Section 502(6) of the CWA, 33. U.S.C. § 1362(6), to include among other things, solid waste, dredged spoil, rock, sand, cellar dirt, sewage, sewage sludge and industrial, municipal and agricultural waste discharged to water.

6. "Point source" is defined by Section 502(14) of the CWA, 33 U.S.C. § 1362(14), to include any discernible, confined and discrete conveyance, including, but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged.

7. "Navigable waters" is defined by Section 502(7) of the CWA, 33 U.S.C. § 1362(7), as the waters of the United States, including the territorial seas and, at the time of the violations at issue here, the regulations promulgated thereunder at 40 C.F.R. § 122.2.

8. Owner or operator" is defined by 40 C.F.R. § 122.2 as the owner or operator of any "facility or activity" subject to regulation under Section 402 of the CWA, 33 U.S.C. § 1342(a).

9. Section 308(a) of the CWA, 33 U.S.C. § 1318(a), provides, in relevant part, that the Administrator of the EPA may require the owner or operator of any point source to, among other things: establish and maintain such records; make such reports; install, use and maintain such monitoring equipment; sample such effluents; and provide such other information as may reasonably be required to carry out the objectives of the CWA.

10. Section 309(a) of the CWA, 33 U.S.C. § 1319(a) authorizes the Administrator to issue an order requiring compliance or commence a civil action when any person is found to be in violation of Section 301 of the CWA, 33 U.S.C. § 1311, or in violation of any permit condition or limitation in a permit issued under Section 402 of the CWA, 33 U.S.C. § 1342.

11. Section 402(p) of the CWA, 33 U.S.C. § 1342(p), sets forth the requirements for municipal and industrial stormwater discharges.

12. The Administrator has promulgated regulations at 40 C.F.R. § 122.26(a)(1)(ii) and § 122.26(b)(14), which require operators to obtain a NPDES permit for stormwater discharges associated with industrial activity. The regulations at 40 C.F.R. § 122.26(b)(14) establish requirements for stormwater discharges associated with industrial activity.

13. The terms "Industrial Stormwater Permit," "Multi-Sector General Permit" or "MSGP" mean the NYSDEC SPDES Multi-Sector General Permit for Stormwater Discharges Associated with Industrial Activity, as defined by the present general permit, GP-0-12-001. The current MSGP became effective on October 1, 2012, and will expire on September 30, 2017. GP-0-12-001 replaced the former MSGP, GP-0-11-009, which expired on September 30, 2012. GP-0-11-009 were preceded by GP-0-06-002, which became effective on March 28, 2007, and

expired on March 27, 2012. GP-0-06-002 was preceded by GP-98-03, which became effective on November 1, 1998, expired on November 1, 2003, and was administratively extended by NYSDEC until the issuance of GP-0-06-002.

14. Pursuant to 40 C.F.R. § 122.41(a), permittees must comply with all conditions of their permit, and any permit noncompliance constitutes a violation of the CWA and is grounds for enforcement action.

15. Section 309(a) of the CWA, 33 U.S.C. § 1319(a), authorizes EPA to commence an administrative enforcement action for violations of any condition or limitation which implements, among others, Section 301 or 402 of the CWA, and to issue an order requiring compliance with the applicable section or requirement.

B. FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. The Respondent Ben Weitsman of Syracuse, LLC, is a corporation formed under the laws of New York State, and is, therefore, a "person" within the meaning of Section 502(5) of the CWA, 33 U.S.C. § 1362(5).

2. The Respondent operates the Ben Weitsman of Syracuse, LLC ("Site" or "Facility"), which is located at 333 Bridge Street, Solvay, New York. Therefore, the Respondent is an owner or operator within the meaning of 40 C.F.R. § 122.2.

3. Stormwater discharges from the Facility to Geddes Brook via stormwater outfalls 001 and 002 and via Outfall 003 to the Town of Geddes and/or the New York State Department of Transportation's Municipal Separate Storm Sewer System ("MS4"). Geddes Brook flows into Ninemile Creek a tributary of Onondaga Lake which is a traditionally navigable water of the United States, as that term is defined in Section 502(7) of the CWA, 33 U.S.C. § 1362(7) and 40 C.F.R. § 122.2. Onondaga Lake flows into Seneca River which combines with the Oneida River to form the Oswego River, and ultimately ends up in Lake Ontario, all of which are traditionally navigable waters of the U.S.

4. Respondent's Notice of Intent ("NOI") for MSGP coverage states that the facility operates under Standard Industrial Classification ("SIC") Code 5093. This industrial activity is covered under Sector N-3, Scrap and Waste Recycling Facilities (Non Liquid Waste) of the MSGP and 40 C.F.R. Sections 122.26(b)(14)(i) through (ix) and (xi).

5. On or about December 26, 2012, the Respondent submitted a Notice of Intent ("NOI") to continue its coverage under NYSDEC SPDES MSGP GP-0-12-001. The Facility has MSGP coverage under Permit Number NYR00D751. Coverage was also obtained for this Facility and Permit Number under previous NOIs.

6. On August 17, 2016, EPA and NYSDEC conducted a Compliance Evaluation Inspection ("CEI") at the Facility.

7. Based on the CEI findings, the EPA finds that the Respondent has failed to comply with the CWA and the conditions of the MSGP, including but not limited to the following:

Part III.B.7 of the MSGP requires that the owner/operator select, design, install, and implement Best Management Practices ("BMPs") as specified in Part I.B.1.a.and Part VIII to meet the benchmarks included in Part VIII of the MSGP. As outlined in the CEI Report and in Table 1 below, the facility has exceeded the benchmarks for Sector N for iron, coper, lead, zinc, aluminum, cadmium, total suspended solids, chemical oxygen demand, and oil and grease mainly at the Bridge Street entrance outfall 003. The Annual Site Compliance Report for 2015 indicated that BMP modifications including a relocated Enviro Rack building and Site Entrance Improvements were needed. To date, the facility has failed to: institute corrective actions required under Parts IV.B.1(g)(6) and IV.b.1(d)(6) of the MSGP; modify the Stormwater Pollution Prevention Plan ("SWPPP"); or implement BMPs to meet the benchmark concentrations in violation of the MSGP.

NYR00D751 - Ben Weitsman of Syracuse LLC Table of Benchmark Exceedances from EPA ECHO database and 2013 and 2015 DMRs and Sampling Data Summaries

Monitoring Period End Date	Outfall	Parameter	Units	Benchmark Value	Reported Value
12/31/2013	003	Iron, total recoverable	mg/L	1	134
12/31/2013	003	Copper, total recoverable	ug/L	12	1390
12/31/2013	003	Zinc, total recoverable	ug/L	110	5080
12/31/2013	003	Aluminum, total recoverable	ug/L	750	25000
12/31/2013	003	Lead, total recoverable	ug/L	69	1870
12/31/2013	003	Cadmium, total recoverable	ug/L	1.8	27.2
12/31/2013	003	Solids, total suspended	mg/L	100	1300
12/31/2013	001	Chemical Oxygen Demand [COD]	mg/L	120	399
12/31/2013	003	Oil & Grease	mg/L	15	16.5
12/31/2013	001	Oil and Grease - Sample not taken - not enough sample collected			
12/31/2013	002	Oil and Grease - Sample not taken - not enough sample collected			
12/31/2014	003	Copper, total recoverable	ug/L	12	819
12/31/2014	003	Iron, total recoverable	mg/L	1	61.6
12/31/2014	003	Zinc, total recoverable	ug/L	110	3810
12/31/2014	003	Lead, total recoverable	ug/L	69	1510
12/31/2014	003	Aluminum, total recoverable	ug/L	750	10500
12/31/2014	003	Cadmium, total recoverable	ug/L	1.8	14.8
12/31/2014	003	Solids, total suspended	mg/L	100	603
12/31/2014	003	Chemical Oxygen Demand [COD]	mg/L	120	365
12/31/2014	001	Chemical Oxygen Demand [COD]	mg/L	120	181
12/31/2014	001	Copper, total recoverable	ug/L	12	12.2
6/23/2015	003	Copper, total recoverable	ug/L	12	197
6/23/2015	003	Iron, total recoverable	mg/L	1	10.2
6/23/2015	003	Zinc, total recoverable	ug/L	110	599
6/23/2015	003	Lead, total recoverable	ug/L	69	295
6/23/2015	003	Aluminum, total recoverable	ug/L	750	2810
6/23/2015	003	Solids, total suspended	mg/L	100	179

NYR00D751 - Ben Weitsman of Syracuse LLC Table of Benchmark Exceedances from EPA ECHO database and 2013 and 2015 DMRs and Sampling Data Summaries					
Monitoring Period End Date	**Outfall**	**Parameter**	**Units**	**Benchmark Value**	**Reported Value**
6/23/2015	003	Cadmium, total recoverable	ug/L	1.8	2.5
6/23/2015	003	Chemical Oxygen Demand [COD]	mg/L	120	461
12/31/2015	003	Copper, total recoverable	ug/L	12	386
12/31/2015	003	Iron, total recoverable	mg/L	1	31.7
12/31/2015	003	Zinc, total recoverable	ug/L	110	1690
12/31/2015	003	Lead, total recoverable	ug/L	69	855
12/31/2015	003	Aluminum, total recoverable	ug/L	750	9000
12/31/2015	003	Solids, total suspended	mg/L	100	498
12/31/2015	003	Cadmium, total recoverable	ug/L	1.8	5.2
12/31/2015	003	Chemical Oxygen Demand [COD]	mg/L	120	211
12/31/2015	001	Iron, total recoverable	mg/L	1	1.23
12/31/2015	002	Iron, total recoverable	mg/L	1	1.1
2/3/2016	001	Iron, total recoverable	mg/L	1	1.09
2/3/2016	002	Iron, total recoverable	mg/L	1	1.27
2/3/2016	003	Iron, total recoverable	mg/L	1	3.69
2/3/2016	003	Copper, total recoverable	ug/L	12	26.8
2/3/2016	003	Aluminum, total recoverable	ug/L	750	1420

8. As described in the table above, no Oil and Grease samples were collected for Outfalls 001 and 002 in 2013 as required by Part IV.B.1.c and VIII.N of the MSGP.

9. Based upon Paragraphs 1-8 above, EPA finds that Respondent is in violation of Sections 301, 308 and 402 of the CWA, 33 U.S.C. §§ 1311 and 1342, and applicable implementing regulations.

C. REQUESTED INFORMATION

Based on the Findings of Fact and Conclusions of Law, above, and pursuant to the authority of Section 308(a) of the CWA, 33 U.S.C. § 1318(a), Respondent is required to submit to the EPA the following:

1. Within **Forty-Five (45) calendar days** of receipt of this Order, Respondent shall submit:

    a. a written summary detailing how each of the potential non-compliance items and areas of concern listed in the attached EPA Inspection Report were or will be addressed along with a schedule.
    b. the annual Discharge Monitoring Report for 2014; and,
    c. whether shredding operations are conducted on-site.

D. ORDERED PROVISIONS

Based upon the foregoing and pursuant to the authority of Section 309(a)(3) of the Act, it is hereby ORDERED that:

1. Within **ten (10) calendar days** of receipt of the original copy of the Order, a responsible official of Ben Weitsman of Syracuse, LLC, shall complete and sign the acknowledgment of receipt of the Order and return the acknowledgment page to the Chief, Water Compliance Branch, in the enclosed envelope to the address listed in paragraph E.1, below.

2. Respondent shall begin immediately, and complete no later than **One Hundred and Twenty (120) calendar days** of receipt of this Order, implementation of a SWPPP as required by Part III.A of the MSGP, including but not limited to:

   Submit a modified SWPPP that includes:

   a. BMPs to ensure that the benchmark concentrations of Respondent's Stormwater Discharges at its Stormwater Outfall are at or below the MSGP Benchmarks;
   b. All requirements for Part VIII Sector N of the MSGP.
   c. Remedies for other Non-Compliance items identified in the Findings Section of this Order, above, as well as Potential Non-Compliance Items in the attached CEI Report. Respondent should also work to remedy the Areas of Concern identified in the attached CEI report.

3. Within **One Hundred Fifty (150) calendar days** of receipt of this Order, submit a Written Certification Statement reflecting that Respondent has fully implemented the modified SWPPP and has achieved compliance with the MSGP. If compliance with the MSGP has not been attained at this time, a detailed report indicating the reason for noncompliance and the schedule for attaining compliance with the MSGP shall be submitted at this time.

E. GENERAL PROVISIONS

1. All information or documents required to be submitted by Respondent as part of this Order shall be sent by certified mail or its equivalent to the following addresses:

Doughlas McKenna, Chief
Water Compliance Branch
Division of Enforcement and Compliance Assistance
U.S. Environmental Protection Agency - Region 2
290 Broadway, 20th Floor
New York, New York 10007-1866

and

Joseph DiMura, P.E., Director
Bureau of Water Compliance Programs
Division of Water, NYSDEC
625 Broadway
Albany, New York 12233-3506

2. Pursuant to 40 C.F.R. § 122.22, all information or documents required to be submitted by Respondent shall be signed by an authorized representative of Respondent, and shall include the following certification:

   "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

3. The Respondent shall have the opportunity, for a period of twenty (20) days from the date of receipt of this Order, to confer regarding the Ordered Provisions, with the following designated Agency representative:

   Doughlas McKenna, Chief
   Water Compliance Branch
   Division of Enforcement and Compliance Assistance
   U.S. Environmental Protection Agency - Region 2
   290 Broadway, 20th Floor
   New York, New York 10007-1866
   (212) 637-4244

4. Respondent has the right to seek federal judicial review of the Order pursuant to Chapter 7 of the Administrative Procedure Act ("APA"), 5 U.S.C. §§ 701-706. Section 706 of the APA provides the grounds for such review.

5. This Order does not constitute a waiver from compliance with, or a modification of, the effective terms and conditions of the CWA, its implementing regulations, or any applicable permit, which remain in full force and effect. This Order is an enforcement action taken by EPA to ensure swift compliance with the CWA. Issuance of this Order shall not be deemed an election by EPA to forego any civil or criminal actions for penalties, fines, imprisonment, or other appropriate relief under the CWA.

6. Notice is hereby given that failure to comply with the terms of the CWA Section 309(a)(3) Compliance Order may result in your liability for civil penalties for each violation of up to $37,500.00 per day under Section 309(d) of the CWA, 33 U.S.C. § 1319(d), as modified by 40 C.F.R., Part 19. Upon suit by EPA, the United States District Court may impose such penalties if, after notice and opportunity for hearing, the Court determines that you have violated the CWA as described above.

7. Notice is hereby given that failure to comply with the requirements of the CWA Section 308 Information Request may result in your liability for civil penalties for each violation of up to $37,500 per day under Section 309(d) of the CWA, as modified by 40 C.F.R. Part 19. Upon suit by the EPA, the United States District Court may impose such penalties if, after notice

and opportunity for a hearing, the Court determines that you have failed to comply with the terms of the Information Request. You may also be subject to administrative remedies for a failure to comply with the Information Request as provided by Section 309 of the CWA.

8. If any provision of this Order is held by a court of competent jurisdiction to be invalid, any surviving provisions shall remain in full force and effect.

9. This Order shall become effective upon the date of execution by the Director, Division of Enforcement and Compliance Assistance.

Dated: FEB - 8 2017 Signed: _____

Kathleen Anderson, Acting Director
Division of Enforcement and Compliance Assistance

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 2

IN THE MATTER OF:

Ben Weitsman of Syracuse, LLC
333 Bridge Street
Solvay, New York 13209

Permit No. NYR00D751

Proceeding pursuant to Sections 308(a) 309(a)(3) of the Clean Water Act, 33 U.S.C. §§ 1318(a) and 1319(a)(3)

RESPONDENT

INFORMATION REQUEST AND ADMINISTRATIVE COMPLIANCE ORDER

CWA-02-2017-3036

ACKNOWLEDGMENT OF RECEIPT OF ADMINISTRATIVE COMPLIANCE ORDER

I, _____, an authorized representative of Ben Weitsman of Syracuse, LLC with the title of, _____, do hereby acknowledge the receipt of the INFORMATION REQUEST AND ADMINISTRATIVE COMPLIANCE ORDER, CWA-02-2017-3036.

DATE: _____ SIGNED: _____

PRINTED NAME: _____

TITLE: _____

United States Environmental Protection Agency
Washington, D.C. 20460

Water Compliance Inspection Report

Section A: National Data System Coding (i.e., PCS)

Transaction Code	NPDES	yr/mo/day	Inspection Type	Inspector	Fac Type
1 [ ] 2 [5]	3 [NYR00D751] 11	12 [160817] 17	18 [C]	19 [R]	20 [2]

Remarks

21 [ ] 66

Inspection Work Days	Facility Self-Monitoring Evaluation Rating	BI	QA	Reserved
67 [ ] [1] 69	70 [ ]	71 [ ]	72 [ ]	73 [ ] [ ] 74 75 [ ] [ ] [ ] [ ] [ ] [ ] 80

Section B: Facility Data

Name and Location of Facility Inspected *(For industrial users discharging to POTW, also include POTW name and NPDES permit number)*

Ben Weitsman of Syracuse, LLC, 333 Bridge Street, Solvay, NY 13209

Entry Time/Date	Permit Effective Date
8/17/16 1:00 PM	GP12-001,10/1/12
Exit Time/Date	**Permit Expiration Date**
3:00 PM	9/30/2017

Name(s) of On-Site Representative(s)/Title(s)/Phone and Fax Number(s)

James Rothenburg, (315)488-3171 ph, (315) 468-1893 fax, jrothenburg@weitsman.com

Other Facility Data *(e.g., SIC NAICS, and other descriptive information)*

NYR00D751

Lat Long
43.067380°,-76.218210°

Name, Address of Responsible Official/Title/Phone and Fax Number

James Rothenburg (315) 468-1893

Contacted ☑ Yes ☐ No

Section C: Areas Evaluated During Inspection *(Check only those areas evaluated)*

☑ Permit	☑ Self-Monitoring Program	☐ Pretreatment	☐ MS4
☑ **Records/Reports**	☑ Compliance Schedules	☐ Pollution Prevention	
☑ Facility Site Review	☑ Laboratory	☑ Storm Water	
☑ Effluent/Receiving Waters	☑ Operations & Maintenance	☐ Combined Sewer Overflow	
☐ Flow Measurement	☐ Sludge Handling/Disposal	☐ Sanitary Sewer Overflow	

Section D: Summary of Findings/Comments

(Attach additional sheets of narrative and checklists, including Single Event Violation codes, as necessary)

SEV Codes	SEV Description
BN19A	Failure to Install/Implement BMPs

Need improved BMPs to meet benchmarks.

Name(s) and Signature(s) of Inspector(s)	Agency/Office/Phone and Fax Numbers	Date
Murray Lantner, Env. Eng.	EPA/DECA-WCB(212)-637-3976	1/17/17

Signature of Management Q A Reviewer	Agency/Office/Phone and Fax Numbers	Date
Justine Modigliani, P.E., Chief, Compliance Section	EPA/DECA-WCB/(212)-637-4268	1/24/17

INSTRUCTIONS

Section A: National Data System Coding *(i.e., PCS)*

Column 1: Transaction Code: Use N, C, or D for New, Change, or Delete. All inspections will be *new* unless there is an error in the data entered.

Columns 3-11: NPDES Permit No. Enter the facility's NPDES permit number - third character in permit number indicates permit type for U=unpermitted, G=general permit, etc.. *(Use the Remarks columns to record the State permit number, if necessary.)*

Columns 12-17: Inspection Date. Insert the date entry was made into the facility. Use the year/month/day format (e.g., 04/10/01 = October 01, 2004).

Column 18: Inspection Type*. Use one of the codes listed below to describe the type of inspection:

- A Performance Audit
- B Compliance Biomonitoring
- C Compliance Evaluation (non-sampling)
- D Diagnostic
- F Pretreatment (Follow-up)
- G Pretreatment (Audit)
- I Industrial User (IU) Inspection
- J Complaints
- M Multimedia
- N Spill
- O Compliance Evaluation (Oversight)
- P Pretreatment Compliance Inspection
- R Reconnaissance
- S Compliance Sampling
- U IU Inspection with Pretreatment Audit
- X Toxics Inspection
- Z Sludge - Biosolids
- # Combined Sewer Overflow-Sampling
- $ Combined Sewer Overflow-Non-Sampling
- + Sanitary Sewer Overflow-Sampling
- & Sanitary Sewer Overflow-Non-Sampling
- \ CAFO-Sampling
- = CAFO-Non-Sampling
- 2 IU Sampling Inspection
- 3 IU Non-Sampling Inspection
- 4 IU Toxics Inspection
- 5 IU Sampling Inspection with Pretreatment
- 6 IU Non-Sampling Inspection with Pretreatment
- 7 IU Toxics with Pretreatment
- ! Pretreatment Compliance (Oversight)
- @ Follow-up (enforcement)
- { Storm Water-Construction-Sampling
- } Storm Water-Construction-Non-Sampling
- : Storm Water-Non-Construction-Sampling
- ~ Storm Water-Non-Construction-Non-Sampling
- < Storm Water-MS4-Sampling
- - Storm Water-MS4-Non-Sampling
- > Storm Water-MS4-Audit

Column 19: Inspector Code. Use one of the codes listed below to describe the *lead agency* in the inspection.

- A — State (Contractor)
- B ---- EPA (Contractor)
- E — Corps of Engineers
- J — Joint EPA/State Inspectors—EPA Lead
- L ---- Local Health Department (State)
- N — NEIC Inspectors
- O— Other Inspectors, Federal/EPA (Specify in Remarks columns)
- P— Other Inspectors, State (Specify in Remarks columns)
- R — EPA Regional Inspector
- S — State Inspector
- T — Joint State/EPA Inspectors—State lead

Column 20: Facility Type. Use one of the codes below to describe the facility.

- 1 — Municipal. Publicly Owned Treatment Works (POTWs) with 1987 Standard Industrial Code (SIC) 4952.
- 2 — Industrial. Other than municipal, agricultural, and Federal facilities.
- 3 — Agricultural. Facilities classified with 1987 SIC 0111 to 0971.
- 4 — Federal. Facilities identified as Federal by the EPA Regional Office.
- 5 — Oil & Gas. Facilities classified with 1987 SIC 1311 to 1389.

Columns 21-66: Remarks. These columns are reserved for remarks at the discretion of the Region.

Columns 67-69: Inspection Work Days. Estimate the total work effort (to the nearest 0.1 work day), up to 99.9 days, that were used to complete the inspection and submit a QA reviewed report of findings. This estimate includes the accumulative effort of all participating inspectors; any effort for laboratory analyses, testing, and remote sensing; and the billed payroll time for travel and pre and post inspection preparation. This estimate does not require detailed documentation.

Column 70: Facility Evaluation Rating. Use information gathered during the inspection (regardless of inspection type) to evaluate the quality of the facility self-monitoring program. Grade the program using a scale of 1 to 5 with a score of 5 being used for very reliable self-monitoring programs, 3 being satisfactory, and 1 being used for very unreliable programs.

Column 71: Biomonitoring Information. Enter D for static testing. Enter F for flow through testing. Enter N for no biomonitoring.

Column 72: Quality Assurance Data Inspection. Enter Q if the inspection was conducted as followup on quality assurance sample results. Enter N otherwise.

Columns 73-80: These columns are reserved for regionally defined information.

Section B: Facility Data

This section is self-explanatory except for "Other Facility Data," which may include new information not in the permit or PCS (e.g., new outfalls, names of receiving waters, new ownership, other updates to the record, SIC/NAICS Codes, Latitude/Longitude).

Section C: Areas Evaluated During Inspection

Check only those areas evaluated by marking the appropriate box. Use Section D and additional sheets as necessary. Support the findings, as necessary, in a brief narrative report. Use the headings given on the report form (e.g., Permit, Records/Reports) when discussing the areas evaluated during the inspection.

Section D: Summary of Findings/Comments

Briefly summarize the inspection findings. This summary should abstract the pertinent inspection findings, not replace the narrative report. Reference a list of attachments, such as completed checklists taken from the NPDES Compliance Inspection Manuals and pretreatment guidance documents, including effluent data when sampling has been done. Use extra sheets as necessary.

*Footnote: In addition to the inspection types listed above under column 18, a state may continue to use the following wet weather and CAFO inspection types until the state is brought into ICIS-NPDES: K: CAFO, V: SSO, Y: CSO, W: Storm Water 9: MS4. States may also use the new wet weather, CAFO and MS4 inspections types shown in column 18 of this form. The EPA regions are required to use the new wet weather, CAFO, and MS4 inspection types for inspections with an inspection date (DTIN) on or after July 1, 2005.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2, DECA-WCB
20th Floor, 290 Broadway, New York, NY 10007

Compliance Evaluation Inspection: Ben Weitsman of Syracuse, LLC	
Inspection Date: August 17, 2016 **Inspection Time:** 13:00 – 15:00	**EPA Representatives:** Murray Lantner, P.E. Environmental Engineer, USEPA Region 2, (212) 637-3976; and MJ 11/17 **NYSDEC Representatives:** Ryan Waldron, P.E., 625 Broadway, Albany, NY 12233-3505 P: (518) 402-8244, ryan.waldron@dec.ny.gov Meredith Streeter, P.E., 625 Broadway, Albany, NY 12233-3506 P:(518) 402-8213, meredith.streeter@dec.ny.gov
On-Site Representative: James Rothenburg, Manager, (315)488-3171 ph, (315)468-1893 fax, jrothenburg@weitsman.com	
Site Information:	Lat./ Long: 43.053108°, -76.115935° Ben Weitsman of Syracuse, LLC, 333 Bridge Street, Solvay, NY 13209
SPDES/ICIS No.	NYR00D751
SIC Code:	5093: Scrap and Waste Materials Scrap, Recycling Facilities (Sector N-3 of MSGP Scrap and Waste Recycling Wastes)

I. INTRODUCTION

On August 17, 2016 the United States Environmental Protection Agency ("EPA") and New York State Department of Environmental Conservation ("NYSDEC" or "DEC") conducted a Compliance Evaluation Inspection ("CEI" or "Inspection") at Ben Weitsman of Syracuse, LLC Facility located at 333 Bridge Street, Solvay, NY 13209 ("Site" or "Facility"). The objective of this visit was to determine compliance with NYSDEC State Pollutant Discharge Elimination System (SPDES) Multi-Sector General Permit (GP-0-12-001) for Stormwater Discharges Associated with Industrial Activity ("MSGP"). The Facility maintains coverage under the MSGP Permit No. NYR00D751. Based on the Facility's Notice of Intent ("NOI") and this Inspection the Facility operates under Sector N-3 (Scrap and Waste Recycling (Non-Liquid Wastes)) SIC Code 5093 Scrap and Waste Materials. Weather conditions on site at the time of the CEI was sunny with no precipitation. There was a heavy rainfall the day prior to the inspection. The Facility is approximately 10.6 acres.

II. FINDINGS & OBSERVATIONS

Upon entering the site, EPA inspector Murray Lantner presented credentials to Mr. Rothenburg, the Manager. EPA requested to review the onsite paperwork including the Stormwater Pollution Prevention Plan ("SWPPP"), Site Inspection Records, and Monitoring and Sampling reports. A site walkthrough and paperwork review was conducted.

The site accepts different kinds of metal scrap where it is sorted and then transported off site for further processing. Discharges from the site flow via Outfall 001 and 002 to Geddes Brook and Outfall 003 at the site entrance flows into the Town of Geddes and/or the New York State Department of Transportation's Municipal Separate Storm Sewer System ("MS4"). Geddes Brook flows into Ninemile Creek a tributary of Onondaga Lake.

The following potential noncompliance items were identified at the time of the CEI:

A. Potential Noncompliance Items

1. Part III.B.7 of the Permit requires that the owner/operator must select, design, install, and implement BMPs as specified in Part I.B.1.a.and Part VIII to meet the benchmarks included in Part VIII of the MSGP. The facility has exceeded the benchmarks for several parameters regularly for the period 2013 to 2015 at Outfall 003 (site entrance outfall) as described in the table below. The facility must determine the cause of these benchmark exceedances, modify the SWPPP and implement BMPs to reduce pollutant concentrations below the benchmark concentrations as required by the corrective action, while following the proper protocol outlined in Corrective and Follow Up Actions in Part IV.B.1.g.(6) and IV.B.1.d.(6) of the MSGP. The Facility's corrective action reports for 2014 and 2015 indicated that the facility would make improvements at the site entrance to collect the stormwater. The Annual Site Compliance Report for 2015 indicated that a BMP improvement of a relocated Enviro Rack building and Site Entrance Improvements were needed. Based on a call with Mr. Rothenburg on December 29, 2016, the site entrance modifications were not implemented to date. As shown in photos 624 - 626 there was trackout/sediment from the site entrance on Bridge Street (SW Outfall No. 003).

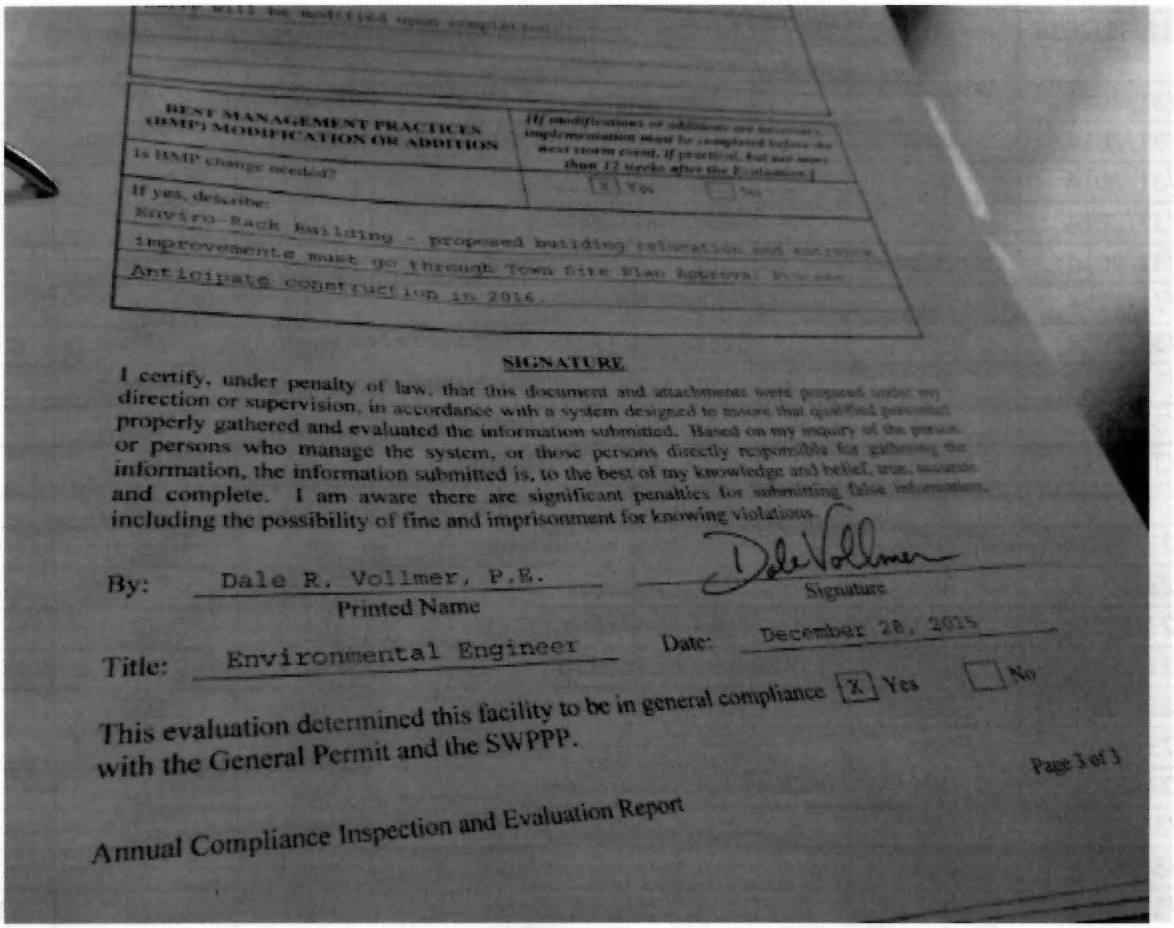
NYR00D751 - Ben Weitsman of Syracuse LLC Table of Benchmark Exceedances from EPA ECHO database and 2013 and 2015 DMRs and Sampling Data Summaries

Monitoring Period End Date	Outfall	Parameter	Units	Benchmark Value	Reported Value
12/31/2013	003	Iron, total recoverable	mg/L	1	134
12/31/2013	003	Copper, total recoverable	ug/L	12	1390
12/31/2013	003	Zinc, total recoverable	ug/L	110	5080
12/31/2013	003	Aluminum, total recoverable	ug/L	750	25000
12/31/2013	003	Lead, total recoverable	ug/L	69	1870
12/31/2013	003	Cadmium, total recoverable	ug/L	1.8	27.2
12/31/2013	003	Solids, total suspended	mg/L	100	1300
12/31/2013	001	Chemical Oxygen Demand [COD]	mg/L	120	399

NYR00D751 - Ben Weitsman of Syracuse LLC Table of Benchmark Exceedances from EPA ECHO database and 2013 and 2015 DMRs and Sampling Data Summaries					
Monitoring Period End Date	**Outfall**	**Parameter**	**Units**	**Benchmark Value**	**Reported Value**
12/31/2013	003	Oil & Grease	mg/L	15	16.5
12/31/2013	001	**Oil and Grease - Sample not taken - not enough sample collected**			
12/31/2013	002	**Oil and Grease - Sample not taken - not enough sample collected**			
12/31/2014	003	Copper, total recoverable	ug/L	12	819
12/31/2014	003	Iron, total recoverable	mg/L	1	61.6
12/31/2014	003	Zinc, total recoverable	ug/L	110	3810
12/31/2014	003	Lead, total recoverable	ug/L	69	1510
12/31/2014	003	Aluminum, total recoverable	ug/L	750	10500
12/31/2014	003	Cadmium, total recoverable	ug/L	1.8	14.8
12/31/2014	003	Solids, total suspended	mg/L	100	603
12/31/2014	003	Chemical Oxygen Demand [COD]	mg/L	120	365
12/31/2014	001	Chemical Oxygen Demand [COD]	mg/L	120	181
12/31/2014	001	Copper, total recoverable	ug/L	12	12.2
6/23/2015	003	Copper, total recoverable	ug/L	12	197
6/23/2015	003	Iron, total recoverable	mg/L	1	10.2
6/23/2015	003	Zinc, total recoverable	ug/L	110	599
6/23/2015	003	Lead, total recoverable	ug/L	69	295
6/23/2015	003	Aluminum, total recoverable	ug/L	750	2810
6/23/2015	003	Solids, total suspended	mg/L	100	179
6/23/2015	003	Cadmium, total recoverable	ug/L	1.8	2.5
6/23/2015	003	Chemical Oxygen Demand [COD]	mg/L	120	461
12/31/2015	003	Copper, total recoverable	ug/L	12	386
12/31/2015	003	Iron, total recoverable	mg/L	1	31.7
12/31/2015	003	Zinc, total recoverable	ug/L	110	1690
12/31/2015	003	Lead, total recoverable	ug/L	69	855
12/31/2015	003	Aluminum, total recoverable	ug/L	750	9000
12/31/2015	003	Solids, total suspended	mg/L	100	498
12/31/2015	003	Cadmium, total recoverable	ug/L	1.8	5.2
12/31/2015	003	Chemical Oxygen Demand [COD]	mg/L	120	211
12/31/2015	001	Iron, total recoverable	mg/L	1	1.23
12/31/2015	002	Iron, total recoverable	mg/L	1	1.1
2/3/2016	001	Iron, total recoverable	mg/L	1	1.09
2/3/2016	002	Iron, total recoverable	mg/L	1	1.27
2/3/2016	003	Iron, total recoverable	mg/L	1	3.69
2/3/2016	003	Copper, total recoverable	ug/L	12	26.8

NYR00D751 - Ben Weitsman of Syracuse LLC Table of Benchmark Exceedances from EPA ECHO database and 2013 and 2015 DMRs and Sampling Data Summaries					
Monitoring Period End Date	**Outfall**	**Parameter**	**Units**	**Benchmark Value**	**Reported Value**
2/3/2016	003	Aluminum, total recoverable	ug/L	750	1420

** The Feb. 2016 samples was not a complete sampling of all Sector N parameters – appeared to be a resample of benchmark exceedances from 2015.



BEST MANAGEMENT PRACTICES (BMP) MODIFICATION OR ADDITION

Is BMP change needed? [X] Yes [ ] No

If yes, describe:
Enviro-Rack Building - proposed building relocation and concrete improvements must go through Town Site Plan Approval Process. Anticipate construction in 2016.

SIGNATURE

I certify, under penalty of law, that this document and attachments were prepared under my direction or supervision, in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

By: Dale R. Vollmer, P.E. (Printed Name) Dale Vollmer (Signature)

Title: Environmental Engineer Date: December 28, 2015

This evaluation determined this facility to be in general compliance with the General Permit and the SWPPP. [X] Yes [ ] No

Page 3 of 3

Annual Compliance Inspection and Evaluation Report

2. As shown in the table above, the Facility failed to monitor for Oil and Grease at outfalls 001 and 002 in 2013 as specified in Part IV and VIII.N of the MSGP.

3. The Quarterly Visual Assessment form for the 2nd quarter of 2016 was not available.

B. Areas of Concern

1. The facility indicated that it wanted to place the car fluids draining facility indoors. Draining of fluids is currently conducted outside.

2. As shown in photograph 613 the valve on the diesel storage tank was opened (See also photos 612, 614, 615). Secondary containment drain valves must be kept closed unless clean

stormwater is being drained off and under supervision. No sheens were seen on the standing water within the secondary containment.

3. As shown in photo 611 the curbing for the used oil tanks at the car rack was broken and was in need of repair.

4. As shown in photo 618 there are unpaved areas that the Facility said that it plans on paving as a means to reduce total sediment solids and metals discharges.

III. OTHER

1. The Facility had the required annual training records from 2014 and 2015

2. There were records for monthly inspections of the facility.

3. There was a sweeper that conducts sweeping at the facility every day.

4. The facility had the annual dry weather certification for 2015

5. There was no discharge from SW Outfall. 003 during the inspection. There were no sheens or foams seen in the water in the stormwater ponds prior to Outfalls 001 or 002.

6. The facility had equipment for removing refrigerants.

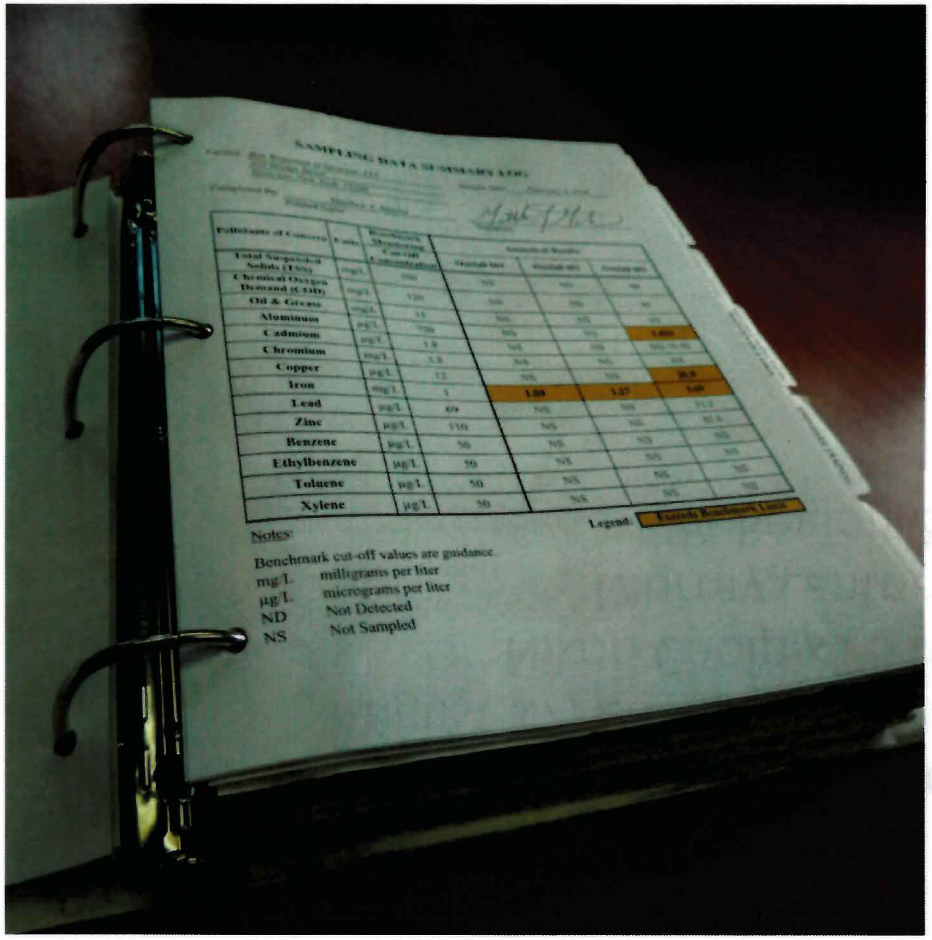
IV. CLOSING

A closing conference was held with Mr. Rothenburg explaining EPA findings identified at the time of the CEI and any additional questions were answered at that time.

V. ATTACHMENTS

Attachment 1 – Photographs
Attachment 2 – August 10, 2011 letter from Upstate Shredding, LLC
Attachment 3 – Aerial Image of the Site

Att. 1 – Ben Weitsman of Syracuse, Geddes, NY
August 17, 2016, Unedited Digital Photos taken with
Nikon Coolpix P510 Digital Camera by
Murray Lantner, P.E. Env. Eng.
EPA Region 2 , DECA-WCB



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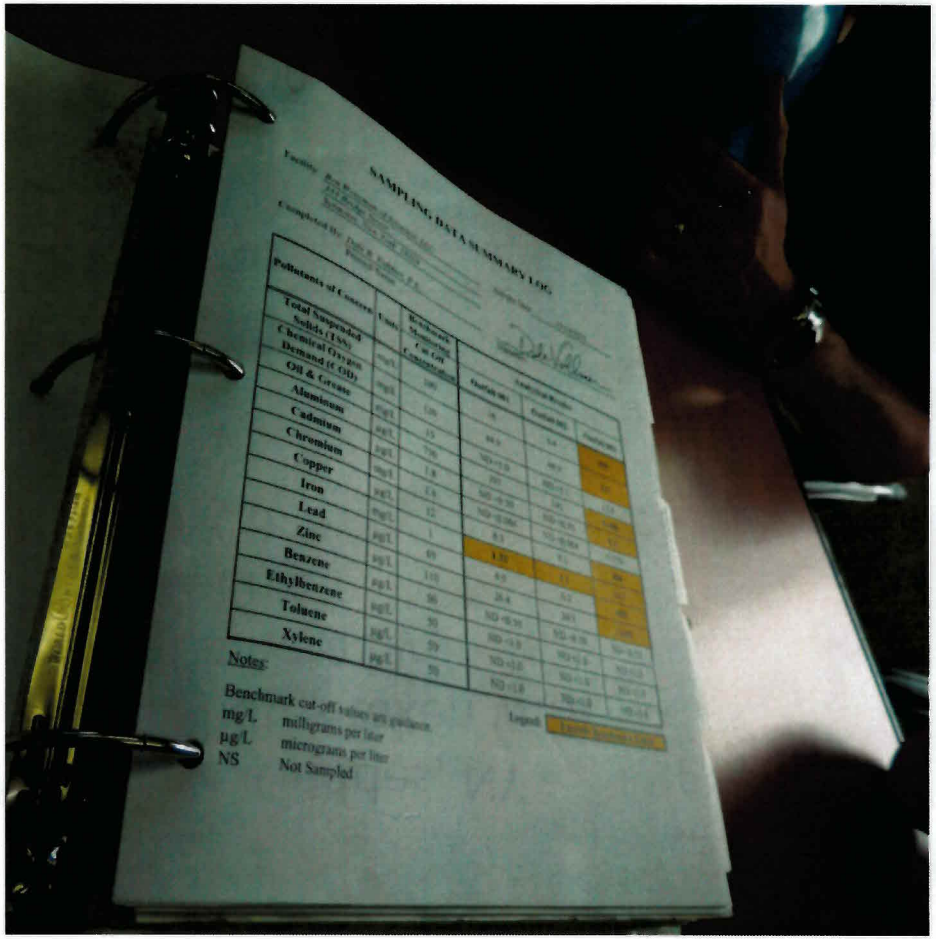

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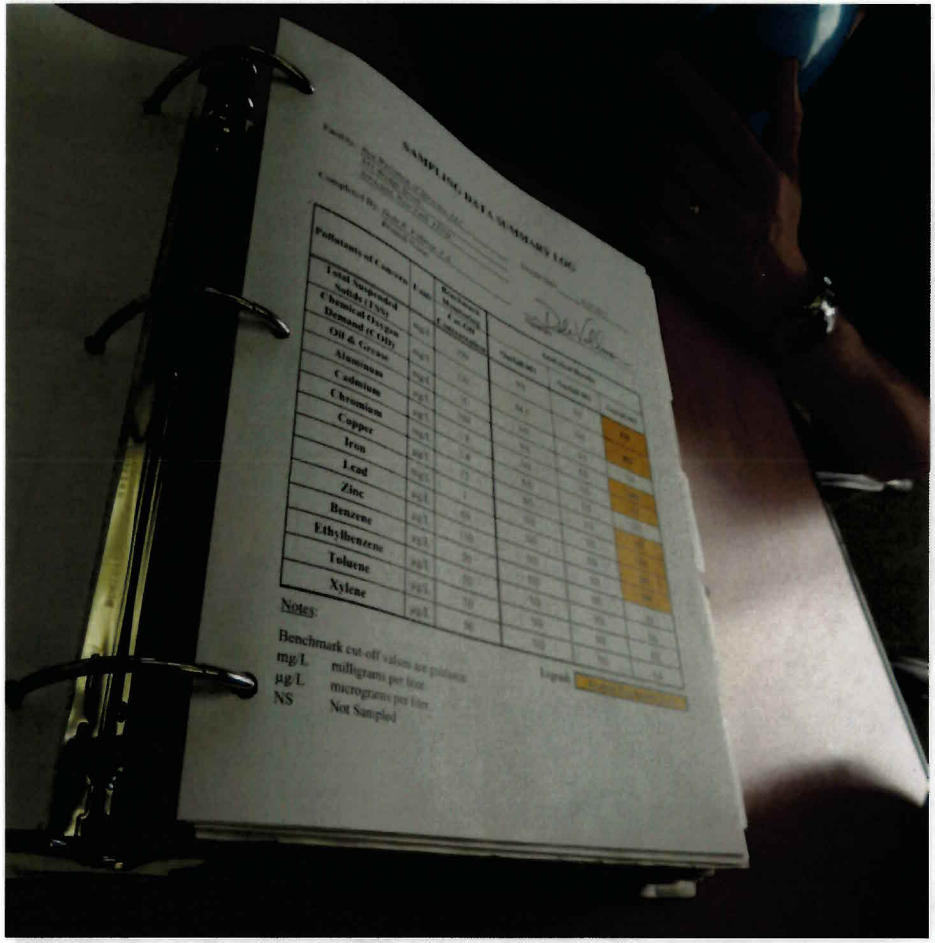

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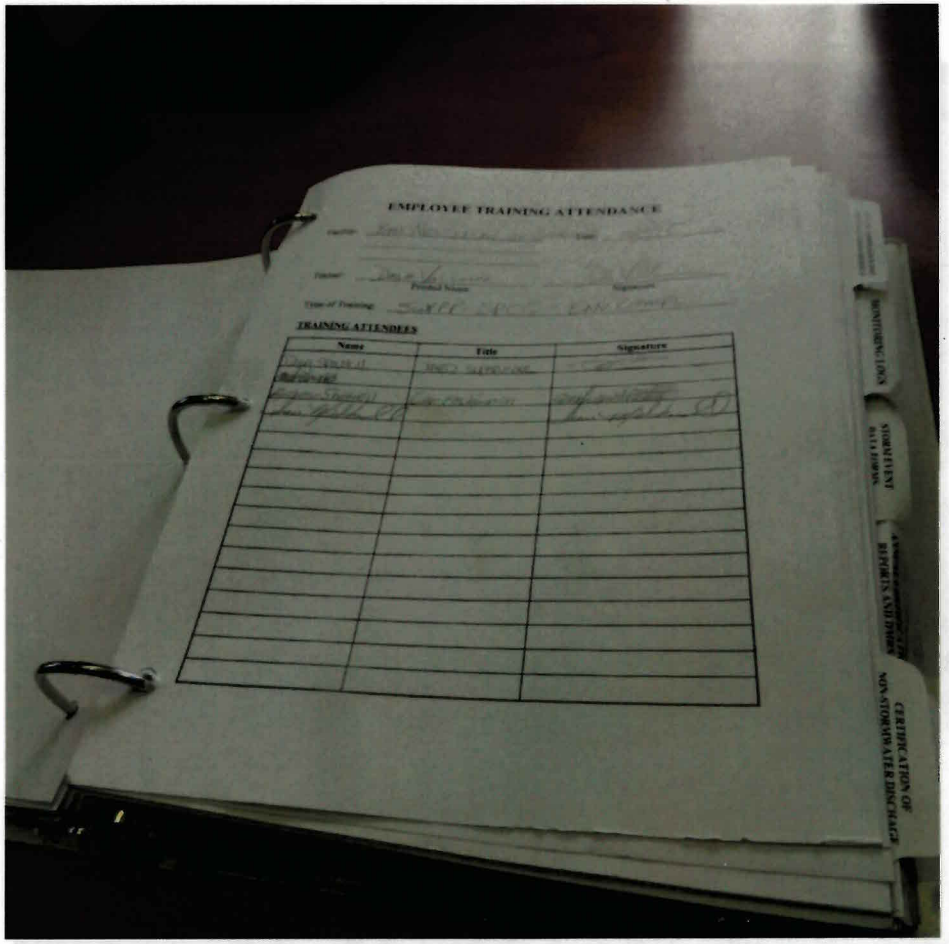

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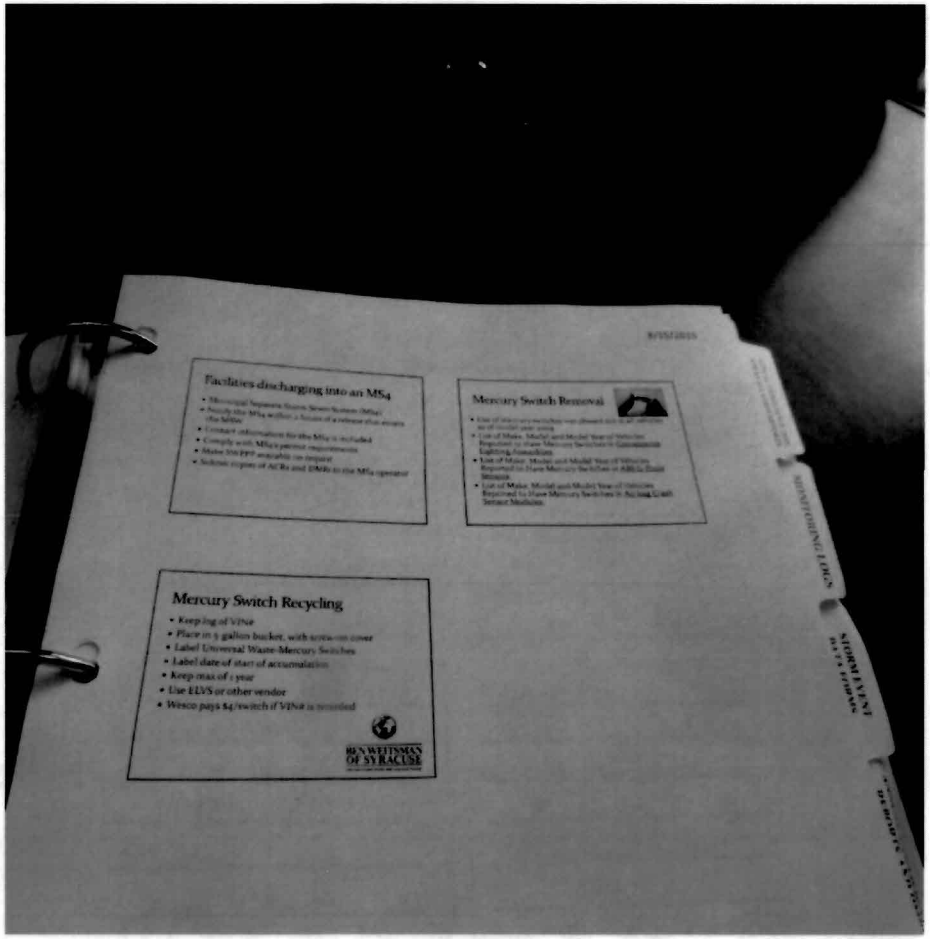

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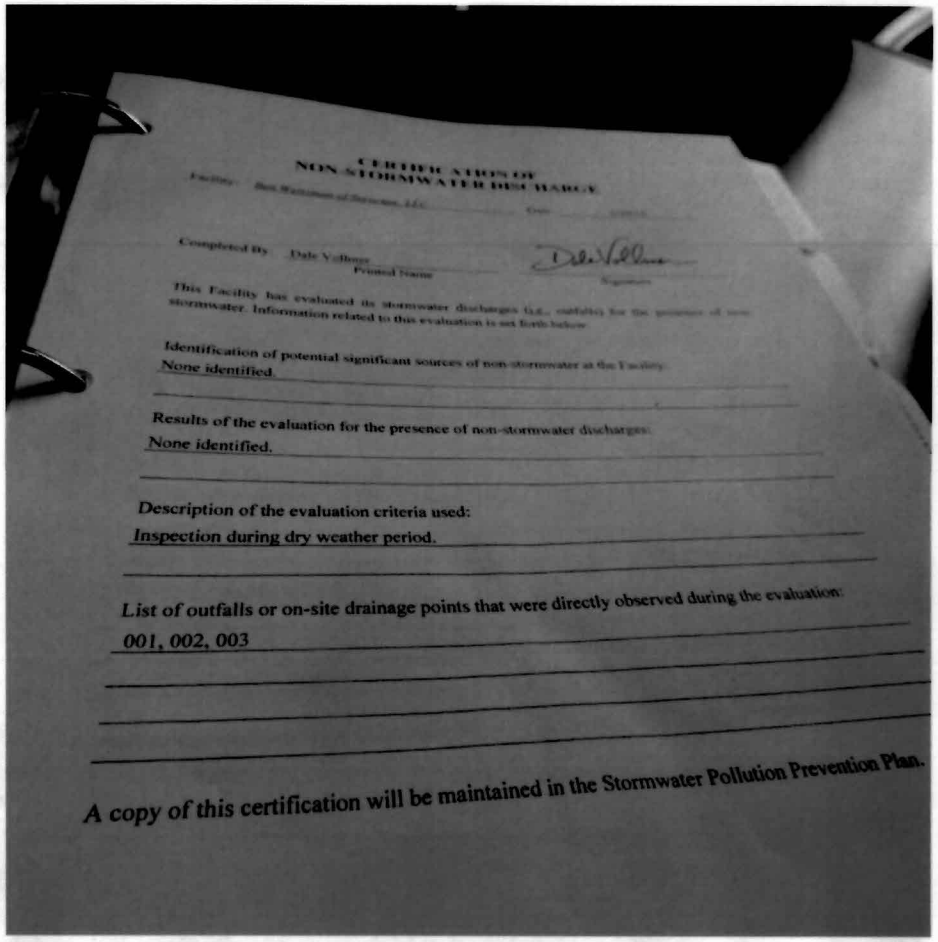

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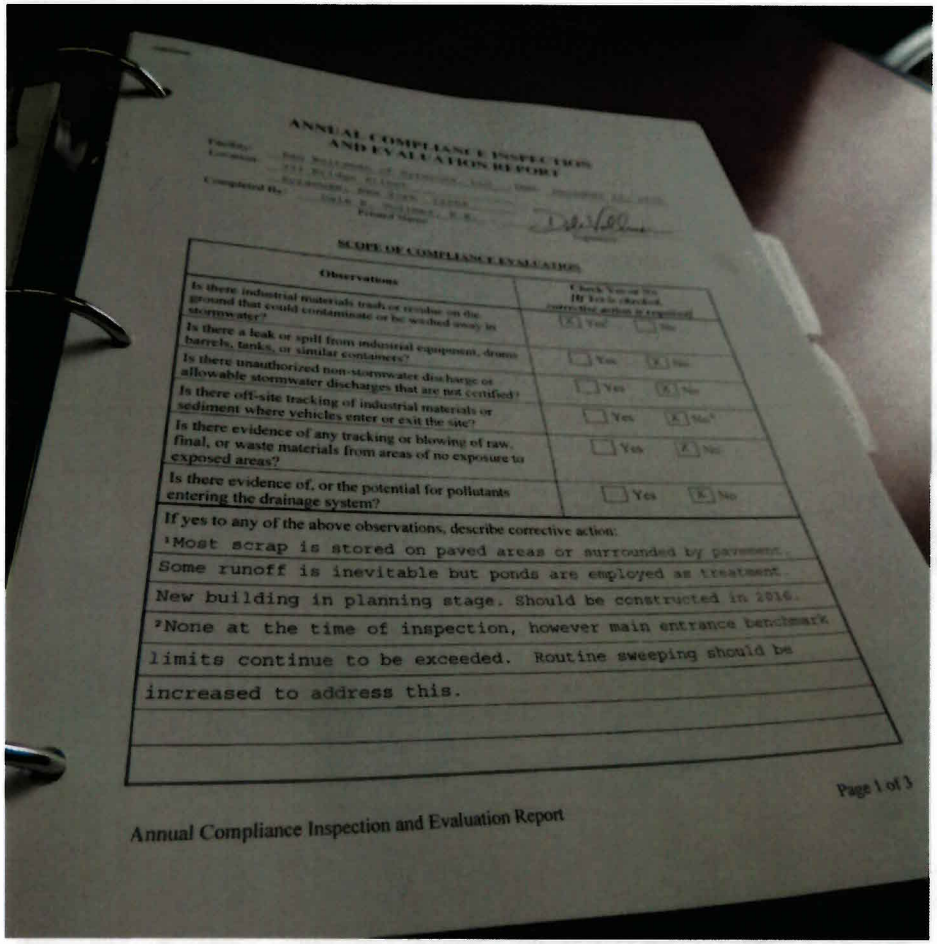


ANNUAL COMPLIANCE INSPECTION AND EVALUATION REPORT

SCOPE OF COMPLIANCE EVALUATION

Observations	Check Yes or No (If Yes is checked, corrective action is required)
Is there industrial materials trash or residue on the ground that could contaminate or be washed away in stormwater?	[X] Yes [ ] No
Is there a leak or spill from industrial equipment, drums, barrels, tanks, or similar containers?	[ ] Yes [X] No
Is there unauthorized non-stormwater discharge or allowable stormwater discharges that are not certified?	[ ] Yes [X] No
Is there off-site tracking of industrial materials or sediment where vehicles enter or exit the site?	[ ] Yes [X] No[2]
Is there evidence of any tracking or blowing of raw, final, or waste materials from areas of no exposure to exposed areas?	[ ] Yes [X] No
Is there evidence of, or the potential for pollutants entering the drainage system?	[ ] Yes [X] No

If yes to any of the above observations, describe corrective action:

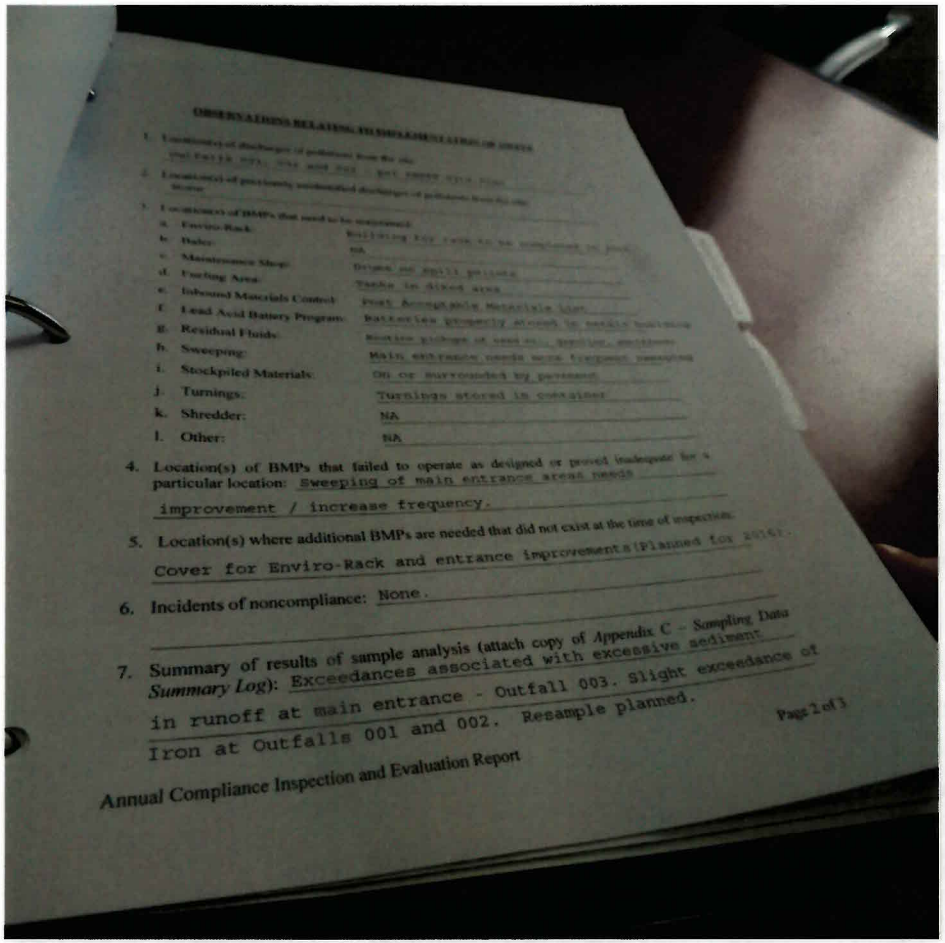
[1]Most scrap is stored on paved areas or surrounded by pavement. Some runoff is inevitable but ponds are employed as treatment. New building in planning stage. Should be constructed in 2016.

[2]None at the time of inspection, however main entrance benchmark limits continue to be exceeded. Routine sweeping should be increased to address this.

Page 1 of 3

Annual Compliance Inspection and Evaluation Report

DSCN3597



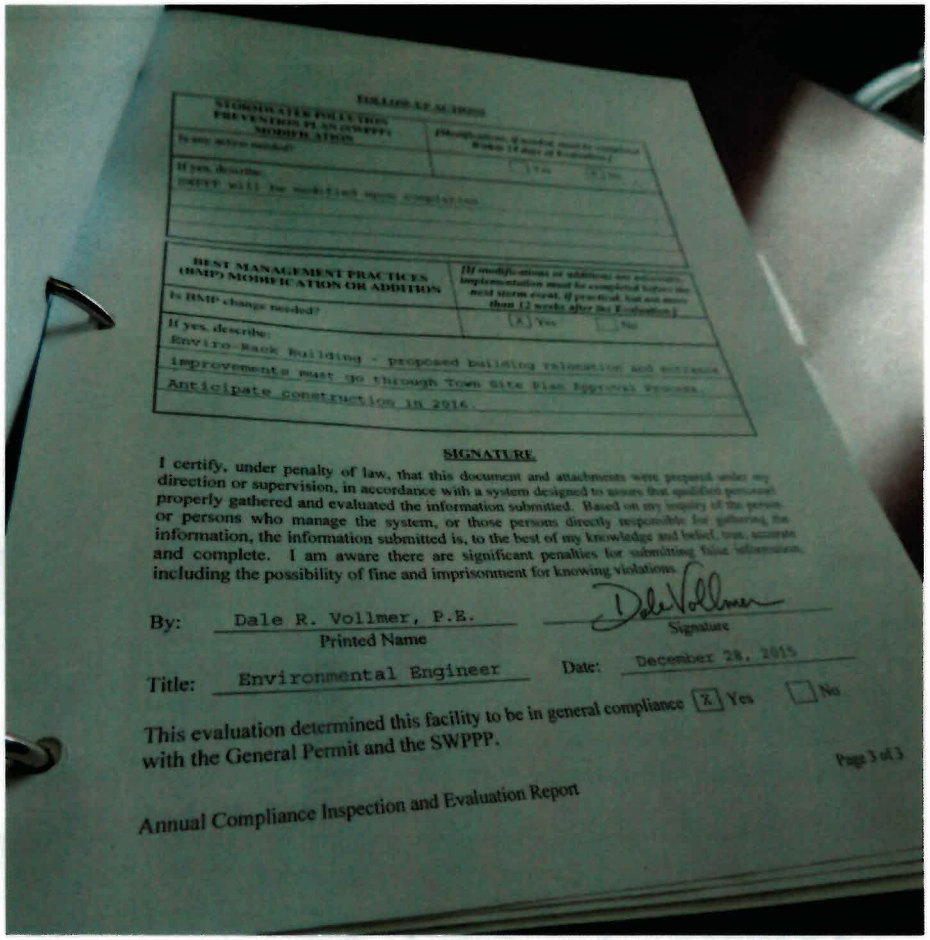
OBSERVATIONS RELATING TO POLLUTANT SOURCES OR AREAS

1. Location(s) of discharges of pollutants from the site: Outfalls 001, 002 and 003 - All enter site ditch.
2. Location(s) of previously unidentified discharges of pollutants from the site: None
3. Location(s) of BMPs that need to be maintained:
   a. Enviro-Rack: Building for rack to be completed in 2016
   b. Dust: NA
   c. Maintenance Shop: Drums on spill pallets
   d. Fueling Area: Tanks in dikes area
   e. Inbound Materials Control: Post Acceptable Materials List
   f. Lead Acid Battery Program: Batteries properly stored in sealed bunkers
   g. Residual Fluids: Routine pickup of used oil, petrol, antifreeze
   h. Sweeping: Main entrance needs more frequent sweeping
   i. Stockpiled Materials: On or surrounded by pavement
   j. Turnings: Turnings stored in container
   k. Shredder: NA
   l. Other: NA
4. Location(s) of BMPs that failed to operate as designed or proved inadequate for a particular location: Sweeping of main entrance areas needs improvement / increase frequency.
5. Location(s) where additional BMPs are needed that did not exist at the time of inspection: Cover for Enviro-Rack and entrance improvements (Planned for 2016).
6. Incidents of noncompliance: None.
7. Summary of results of sample analysis (attach copy of *Appendix C – Sampling Data Summary Log*): Exceedances associated with excessive sediment in runoff at main entrance - Outfall 003. Slight exceedance of Iron at Outfalls 001 and 002. Resample planned.

Page 2 of 3

Annual Compliance Inspection and Evaluation Report

DSCN3598



STORMWATER POLLUTION PREVENTION PLAN (SWPPP) MODIFICATION	[Modifications, if needed, must be completed within 14 days of Evaluation.]
Is any action needed?	[ ] Yes [X] No
If yes, describe: SWPPP will be modified upon completion	

BEST MANAGEMENT PRACTICES (BMP) MODIFICATION OR ADDITION	[If modifications or additions are necessary, implementation must be completed before the next storm event. If practical, but no more than 12 weeks after the Evaluation.]
Is BMP change needed?	[X] Yes [ ] No
If yes, describe: Enviro-Back Building - proposed building relocation and entrance improvements must go through Town Site Plan Approval Process. Anticipate construction in 2016.	

SIGNATURE

I certify, under penalty of law, that this document and attachments were prepared under my direction or supervision, in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

By: Dale R. Vollmer, P.E. (Printed Name) Dale Vollmer (Signature)

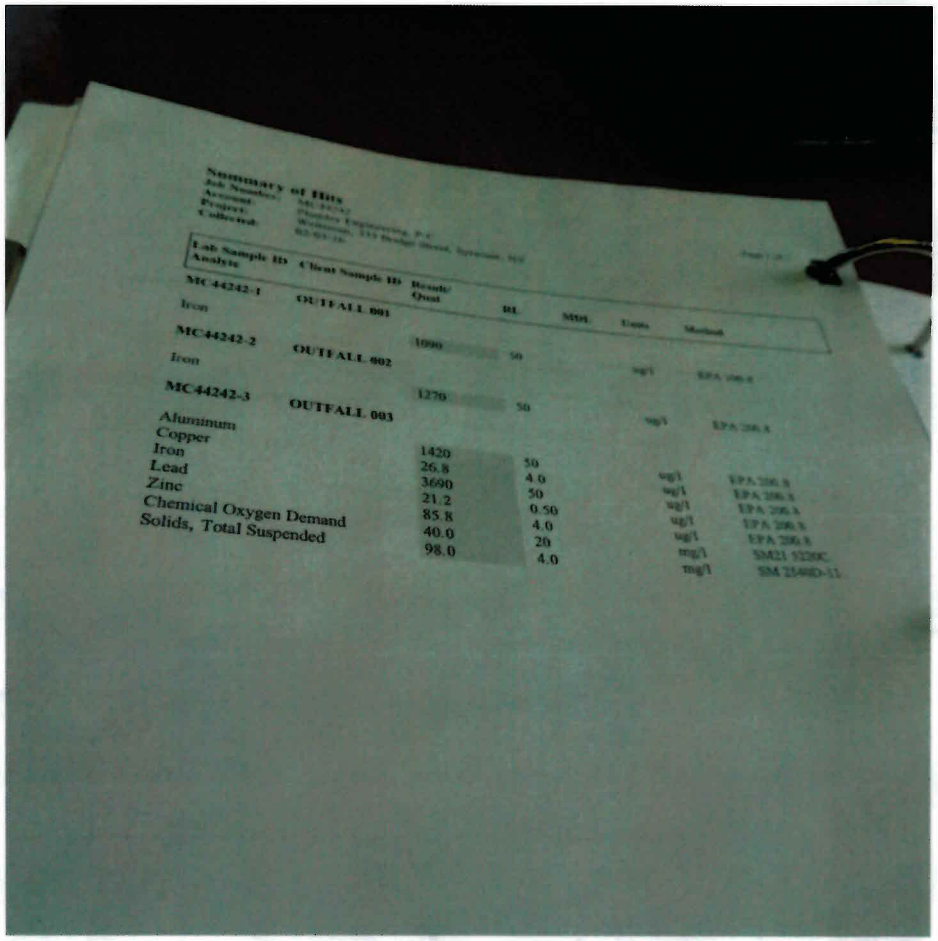
Title: Environmental Engineer Date: December 28, 2015

This evaluation determined this facility to be in general compliance [X] Yes [ ] No with the General Permit and the SWPPP.

Page 3 of 3

Annual Compliance Inspection and Evaluation Report

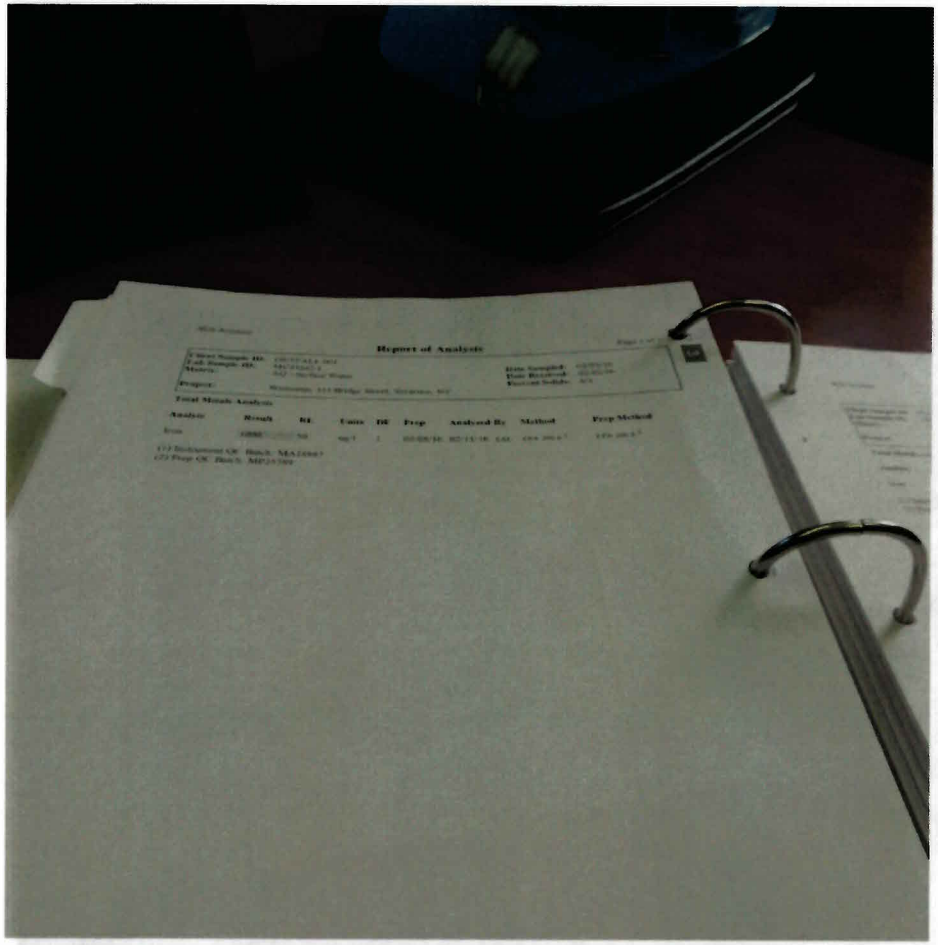
DSCN3599



Summary of Hits

Lab Sample ID / Analyte	Client Sample ID	Result/ Qual	RL	MDL	Units	Method
MC44242-1	OUTFALL 001					
Iron		1090	50		ug/l	EPA 200.8
MC44242-2	OUTFALL 002					
Iron		1270	50		ug/l	EPA 200.8
MC44242-3	OUTFALL 003					
Aluminum		1420	50		ug/l	EPA 200.8
Copper		26.8	4.0		ug/l	EPA 200.8
Iron		3690	50		ug/l	EPA 200.8
Lead		21.2	0.50		ug/l	EPA 200.8
Zinc		85.8	4.0		ug/l	EPA 200.8
Chemical Oxygen Demand		40.0	20		mg/l	SM21 5220C
Solids, Total Suspended		98.0	4.0		mg/l	SM 2540D-11

DSCN3600



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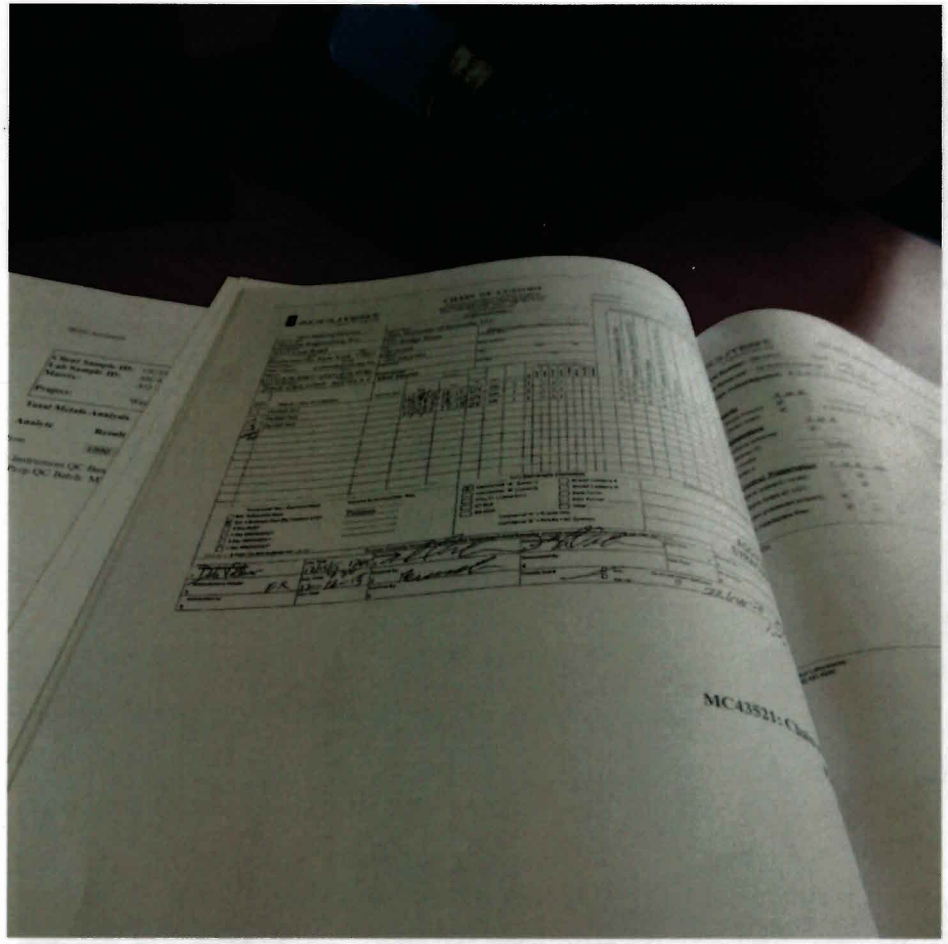

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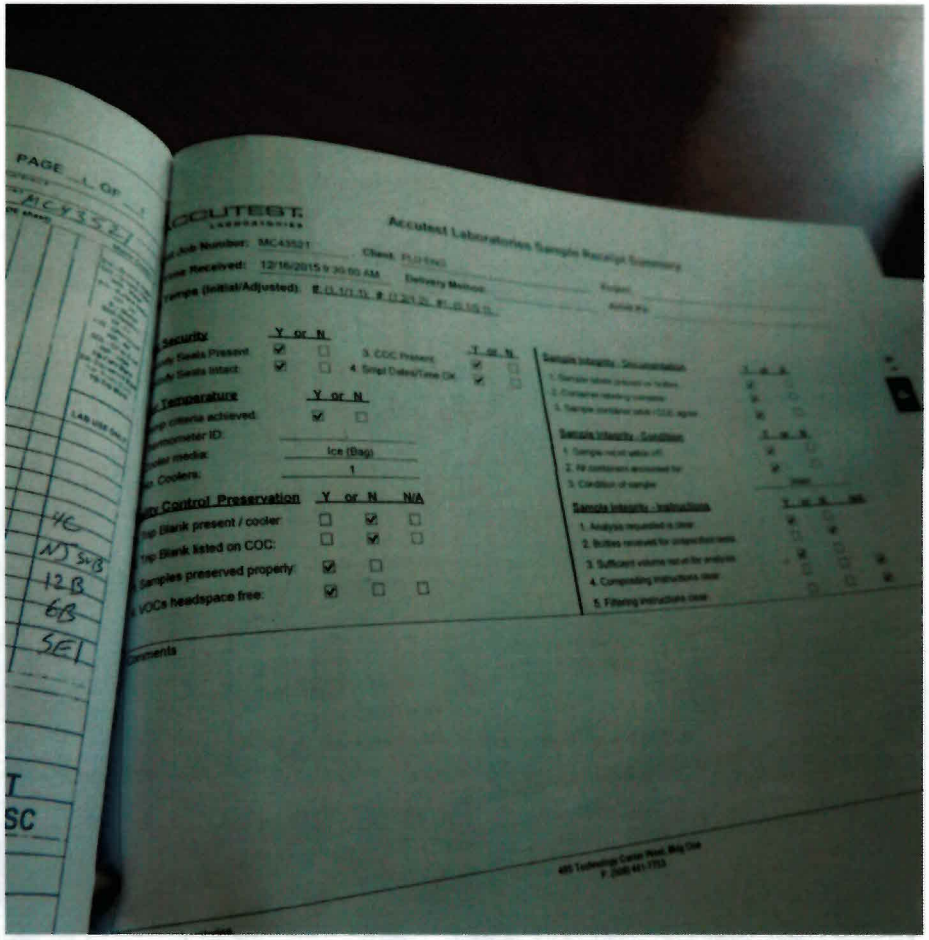


Accutest Laboratories Sample Receipt Summary

Job Number: MC43521

Client:

Date Received: 12/16/2015 9:30:00 AM

Delivery Method:

Coolers (Initial/Adjusted):

Security

	Y or N
Custody Seals Present	✓
Custody Seals Intact	✓

Temperature

	Y or N
Temp criteria achieved:	✓

Thermometer ID:

Cooler media: Ice (Bag)

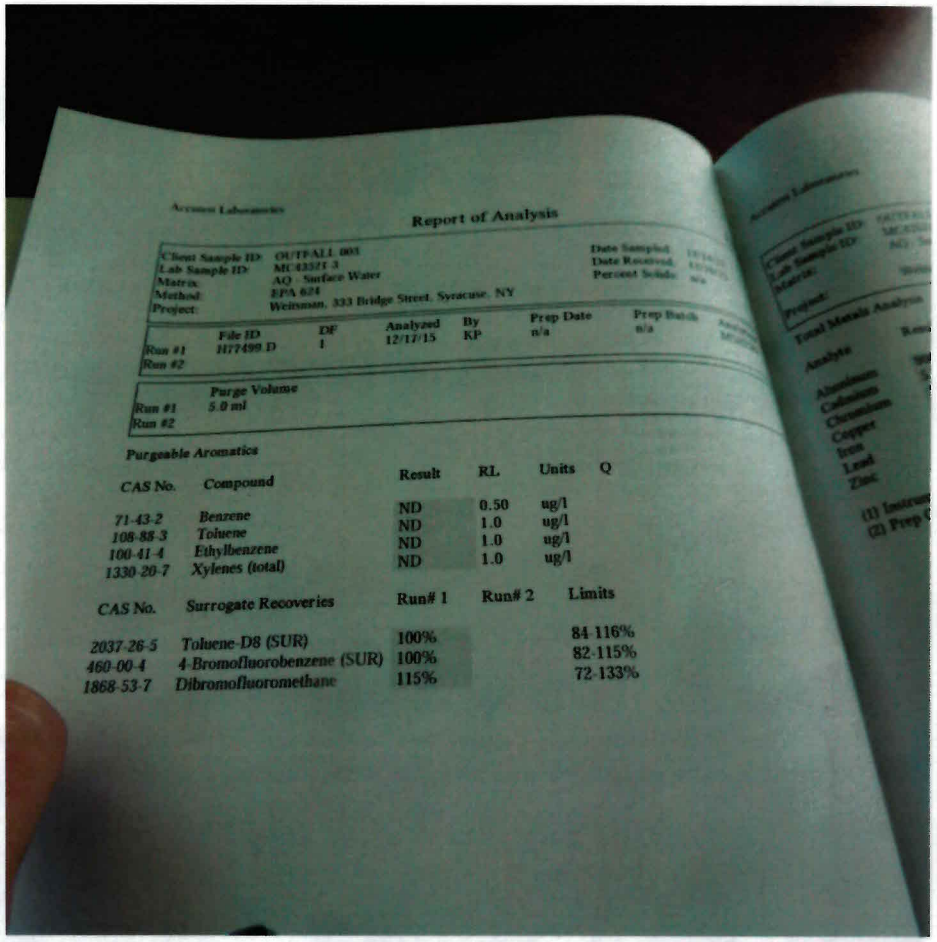
No. Coolers: 1

Quality Control Preservation

	Y or N	N/A
Trip Blank present / cooler:		✓
Trip Blank listed on COC:		✓
Samples preserved properly:	✓	
VOCs headspace free:	✓	

Comments

DSCN3603



Accutest Laboratories

Report of Analysis

Client Sample ID:	OUTFALL 003
Lab Sample ID:	MC43521-3
Matrix:	AQ - Surface Water
Method:	EPA 624
Project:	Weitsman, 333 Bridge Street, Syracuse, NY

Date Sampled:
Date Received:
Percent Solids: n/a

	File ID	DF	Analyzed	By	Prep Date	Prep Batch
Run #1	H77499.D	1	12/17/15	KP	n/a	n/a
Run #2						

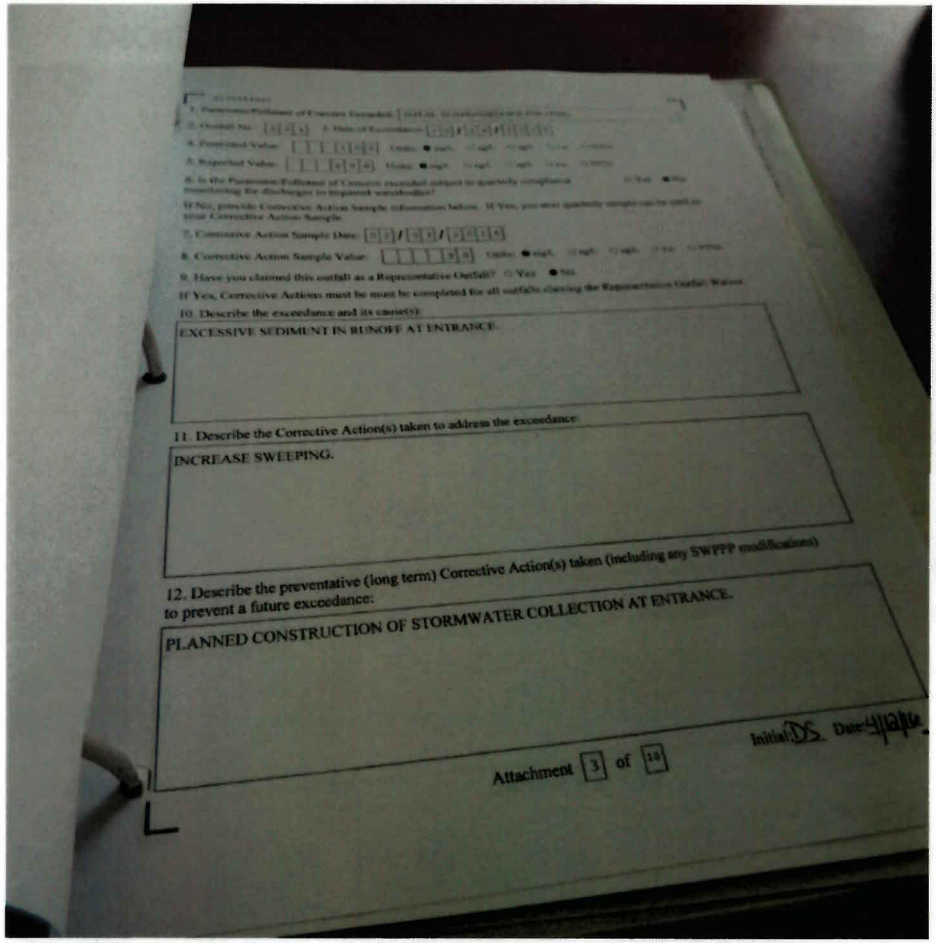
	Purge Volume
Run #1	5.0 ml
Run #2	

Purgeable Aromatics

CAS No.	Compound	Result	RL	Units	Q
71-43-2	Benzene	ND	0.50	ug/l	
108-88-3	Toluene	ND	1.0	ug/l	
100-41-4	Ethylbenzene	ND	1.0	ug/l	
1330-20-7	Xylenes (total)	ND	1.0	ug/l	

CAS No.	Surrogate Recoveries	Run# 1	Run# 2	Limits
2037-26-5	Toluene-D8 (SUR)	100%		84-116%
460-00-4	4-Bromofluorobenzene (SUR)	100%		82-115%
1868-53-7	Dibromofluoromethane	115%		72-133%

DSCN3604



10. Describe the exceedance and its cause(s):

EXCESSIVE SEDIMENT IN RUNOFF AT ENTRANCE.

11. Describe the Corrective Action(s) taken to address the exceedance:

INCREASE SWEEPING.

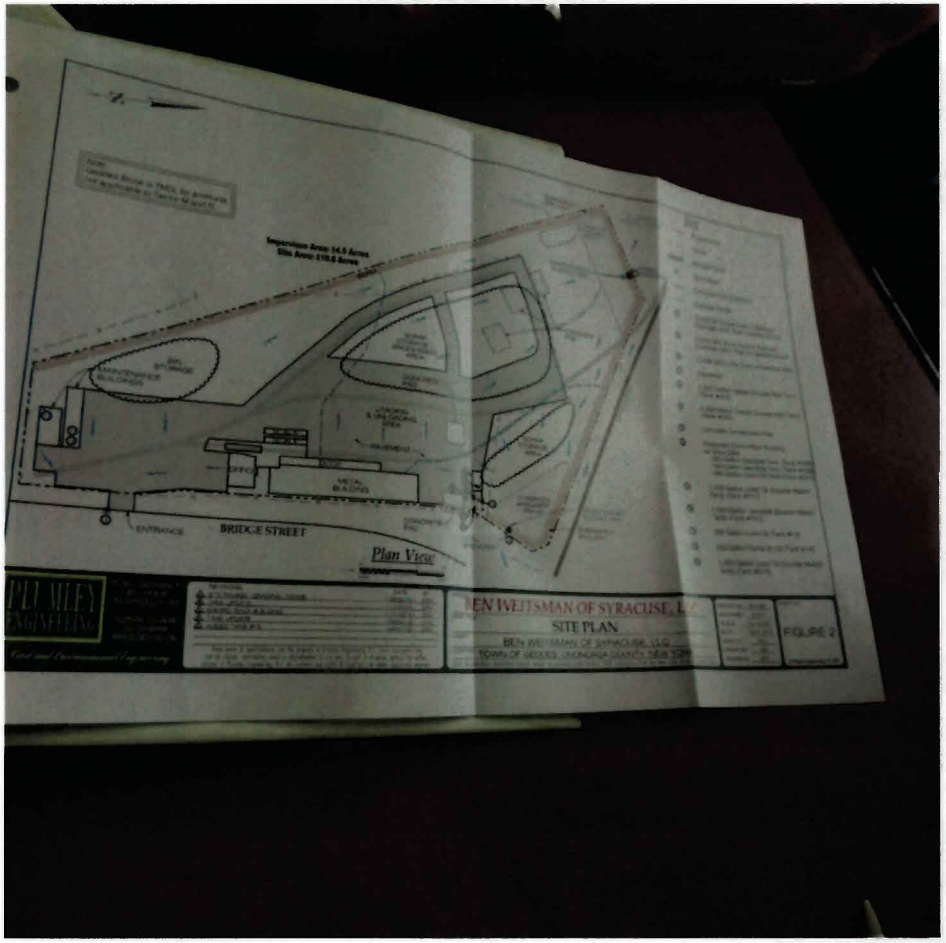
12. Describe the preventative (long term) Corrective Action(s) taken (including any SWPPP modifications) to prevent a future exceedance:

PLANNED CONSTRUCTION OF STORMWATER COLLECTION AT ENTRANCE.

Attachment 3 of 10

Initial DS Date 4/18/16

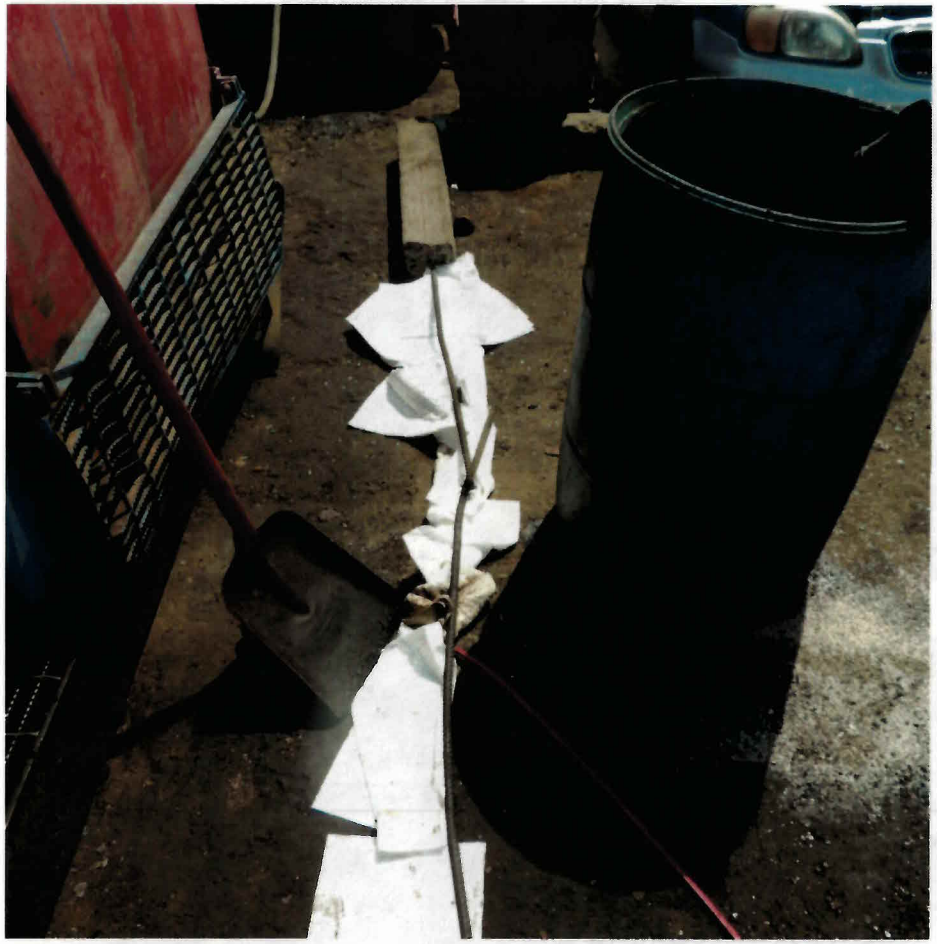
DSCN3605



DSCN3606

DSCN3607 – Scrap piles, some on paved and some on unpaved surfaces

DSCN3608 - Scrap piles, some on paved and some on unpaved surfaces



DSCN3609 – Car rack area – pads and oil dry

DSCN3610- – Car rack area – with containment to capture fluids

DSCN3611 – curbing in used oil collection area partially broken, needs fixing

DSCN3612 – Diesel storage secondary containment – where drain valve was open

DSCN3613 - Diesel storage secondary containment – where drain valve was open

DSCN3614 - Diesel storage secondary containment – where drain valve was open, standing water with no sheens inside containment – debris inside containment needs to be cleaned.

DSCN3615 Diesel storage secondary containment – where drain valve was open, standing water with no sheens inside containment – debris inside containment needs to be cleaned.

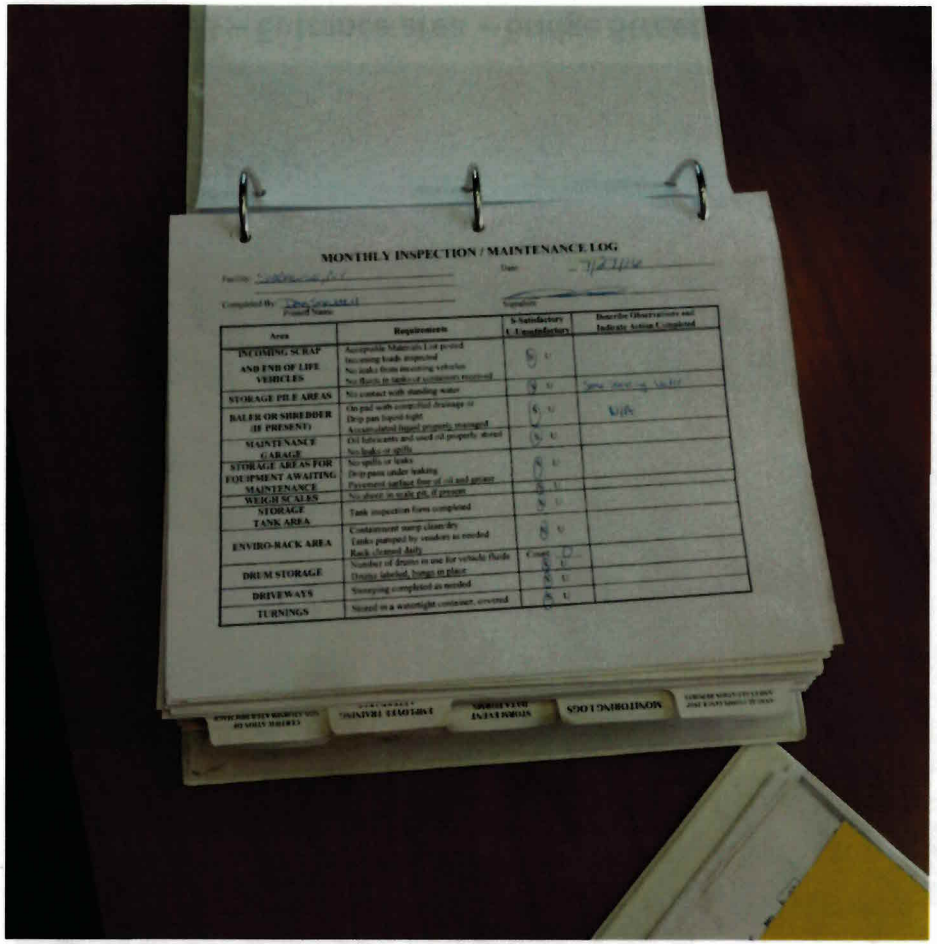
DSCN3616

DSCN3617 – Metal recovered from tires

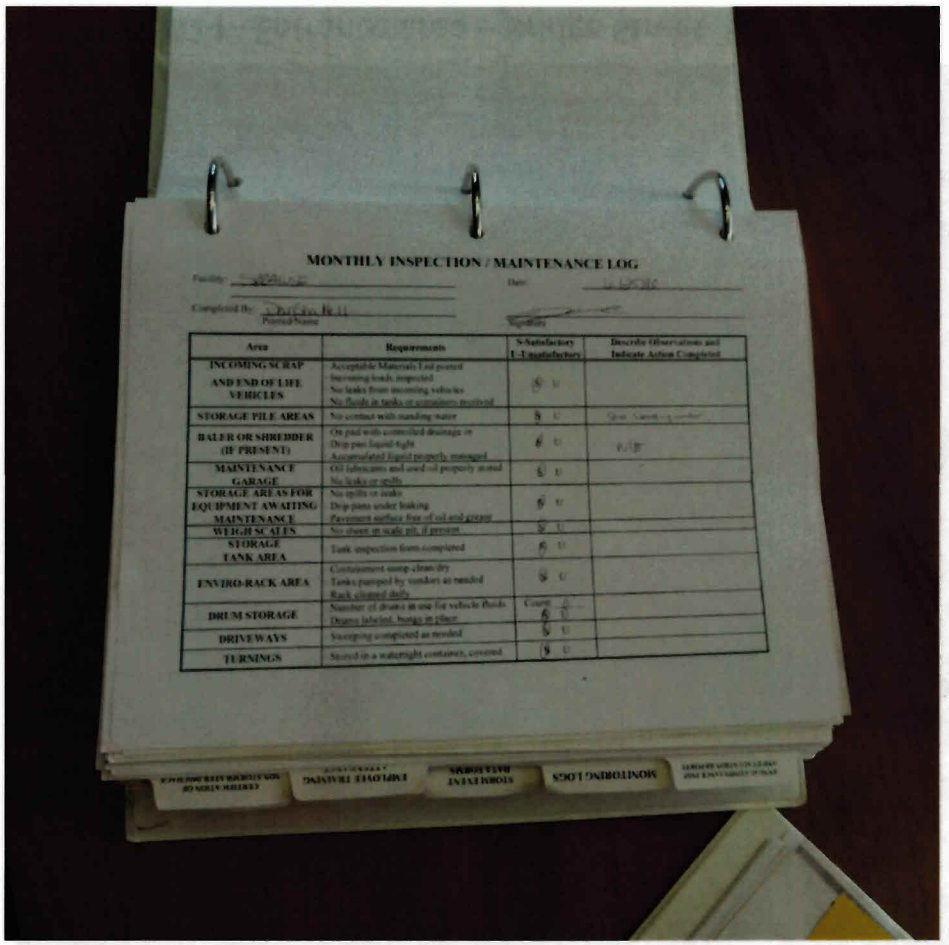
DSCN3618 – unpaved areas – metal scrap storage

DSCN3619 – hubcap and other material storage bins

DSCN3620 – street sweeper



DSCN3621



DSCN3622

DSCN3623 – Entrance area – Bridge Street Stormwater Outfall 003 some trackout seen

DSCN3624 - Entrance area – Bridge Street Stormwater Outfall 003 some trackout seen

DSCN3625 - Entrance area – Bridge Street Stormwater Outfall 003 some trackout seen

DSCN3626 - Entrance area – Bridge Street Stormwater Outfall 003 some trackout seen

DSCN3627 – SW pond 2 area that drains to SW Outfall 002 NE portion of site near fluids draining operation

DSCN3628 – SW drainage pathway to SW Outfall 001 from NW portion of site

DSCN3629 - – Stormwater drainage pathway to Stormwater Outfall 001 from NW portion of site

DSCN3630

DSCN3631 – SW Outfall Pipe

DSCN3632 – SW Management area – 1 in the background

DSCN3633 – SW Outfall 002 (SW Mgmt Area No. 2) are of NE side of site

Att. 2

UPSTATE SHREDDING LLC

NYS LARGEST PRIVATELY OWNED SCRAP PROCESSOR

August 10, 2011

Ms. Meredith Streeter, P.E.
NEW YORK STATE DEPARTMENT OF
ENVIRONMENTAL CONSERVATION
Bureau of Water Compliance, 4th Floor
625 Broadway
Albany, New York 12233-3506

RE: Representative Outfall Waiver
Ben Weitsman of Syracuse, LLC
SPDES ID NYR00D751
Town of Geddes, Onondaga County, New York

Dear Ms. Streeter:

In response to your July 6, 2011 letter and August 9, 2011 email to my consultant, we are submitting a Representative Outfall Waiver request for Outfall 002.

BACKGROUND INFORMATION

When BWS became the new site owner, this facility was in poor condition. There were numerous large scrap piles across nearly the entire site, including along the northern end up to the property boundary. The facility had installed a used metal shredder in 2008, which experienced numerous and frequent breakdowns. This shredder operated very infrequently in 2008 and 2009 and not at all in 2010. In addition, there were two fuel oil tanks resting on the soil, near the weigh scales. Over the years, the prior owner received numerous complaints from the Town of Geddes about excessive dirt and scrap on the public roadway leading to the site entrance. There was a "hump" at the site entrance and grading that directed stormwater toward the site interior.

Upon transfer of the property, BWS quickly implemented a number of site improvements. The south end of the site was re-graded to move the hump at the entrance and an expanded area was

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paved. This new pavement altered the stormwater flow direction toward the site entrance, which reduced water ponding on unpaved surfaces that previously had produced mud and was subsequently dragged out onto the public roadway by exiting vehicles. A sweeping schedule was implemented to control the dirt and debris on the newly expanded pavement. The used metal shredder was removed from the site. The sizes of scrap piles were significantly reduced and many were eliminated (the scrap was trucked off-site to be shredded). The removal of the shredder allowed the entire operation to move southward, away from the northern site perimeter and into view of the office building. As a result of this site restructuring, a significant portion of the drainage area contributing to Outfall 002 was no longer used for processing.

At the time of sampling in December 2010, Outfall 001 was the worst-case outfall. This outfall included drainage from the rail and car weigh scales, incoming scrap inspection area, fuel oil storage tanks, metal scrap piles, maintenance garage and storage of heavy machinery for loading/ unloading scrap. In contrast, the drainage area for Outfall 002 contained several scrap metal piles, however much of this drainage area was vacant and not used for scrap metal processing or storage.

Additional site upgrades were implemented in 2011, including the relocation of the two fuel oil storage tanks into concrete secondary containment and the reconstruction of two stormwater detention ponds in the northeast and northwest site corners.

This Representative Outfall Waiver request is based upon the factors described below:

- At the time of stormwater sampling in 2010, the activities conducted in and around both Outfalls 001 and 002 included scrap metal loading and unloading operations and heavy machinery to move the scrap. However, Outfall 001 was the worst-case outfall due to the fact that it also included runoff from the site entrance, incoming scrap inspection area, weigh scales (truck and rail), maintenance garage and fuel oil storage tanks.

- Pollution prevention procedures are implemented site-wide. All paved surfaces are frequently swept to remove excess dust, dirt and debris. Scrap storage at the site is minimal. It is company policy to move as much incoming scrap as possible off-site within 24 hours of arrival.

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- Outfall 001 is located in the southeast site corner at the site entrance. Aggregated stormwater runoff from the south end of the site exits the property onto Bridge Street through the entrance and enters an MS4 in the roadway. Outfall 002 is located in the northwest site corner and consists of a riprap spillway.

- Estimate of the runoff coefficient of the outfalls is provided below.

  - Outfall 001 ..... High (>65%)
  - Outfall 002 ..... Medium (40 to 65 %)
  - Outfall 003 ..... Medium (40 to 65 %)

Attached to this Representative Outfall Waiver request is the following supporting documentation:

- Outfall 002 Discharge Monitoring Report (DMR) form marked to indicate "Representative Outfall Claimed at 001."

- A revised Notice of Intent/Termination (NOIT) form to reflect the current site condition as a result of recent site reconstruction.

Please contact me if you have any questions regarding this request.

Sincerely,

Adam Weitsman
President

AW/cs
Attachments

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Att. 3 – Aerial Image of Ben Weitsman of Syracuse, LLC – from Google Earth Pro